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Senate

(Legislative day of January 10, 2022)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by the President pro tempore (Mr. LEAHY).

PRAYER

The PRESIDENT pro tempore. Today's opening prayer will be offered by Rabbi Moshe Feller, the director, Upper Midwest Merkos Chabad-Lubavitch, from St. Paul, MN.

The guest Chaplain offered the following prayer:

Almighty God, Master of the Universe, the Members of this august body, the U.S. Senate, convene here today to fulfill one of the Seven Commandments which You issued to Noah and his family after the Great Flood: the commandment that all society be governed by just laws.

As stated in the book of Genesis and its sacred commentaries, You issued at that time the following seven laws: to worship You and You alone; never to blaspheme Your Holy Name; not to commit murder; not to commit adultery, incest, or any sexual misdeeds; not to steal, lie, or cheat; not to be cruel to any living creature; and that every society be governed by just laws based on the recognition and acknowledgement of You, O God, as the sovereign Ruler of all humankind and all nations.

Grant, Almighty God, that the Members of the Senate constantly realize that by enacting just laws they are doing Your will. Almighty God, I beseech You today to bless the Senate and our entire Nation in the merit of two spiritual giants of our time and of our country, Rabbi Yosef Yitzchak Schneerson of saintly blessed memory—the sixth Lubavitch Rebbe—and his successor, the Rebbe, Rabbi Menachem Schneerson, of saintly blessed memory.

Tomorrow, the 10th day of the Hebrew month of Shevat, is the anniversary of the transition of their leader-

ship. It is a day of reflection and action and one which should energize us to be God-conscious beings. Their holy mission continues through our acts of goodness and kindness, hastening the harmonious era of the messianic redemption. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session and resume consideration of the following nomination, which the clerk will report.

The legislative clerk read the nomination of Alan Davidson, of Maryland, to be Assistant Secretary of Commerce for Communications and Information.

Mr. PETERS. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. PETERS). Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

FILIBUSTER

Mr. MCCONNELL. Mr. President, something disturbing is happening in Washington this week. A group of politicians are trying to set aside election results, overrule American voters, and break—break—our institutions to get a political outcome they want.

I am speaking, of course, about the Senate Democratic leader and the radical left. The Senate Democratic leader is trying to bully his own Members into breaking their word, breaking the Senate, and silencing the voices of millions of citizens so that one political party can take over our Nation's elections from the top down.

In January 2021, a mob tried to intimidate and change the Senate, and they failed. In January of 2021, the Senate stayed true to itself, and it stood strong.

But in January of 2022, some of the Senate's own Members want to permanently damage this institution from within. They want to shatter its central feature. The Democratic leader is using fake hysteria—fake hysteria—about 2021 State laws to justify a power grab he began floating actually back in 2019 and an election takeover that was first drafted in 2019.

President Biden has spread so much misinformation about the basic facts of State voting laws that he was called out and debunked by—listen to this—the Washington Post. A sitting President of the United States who pledged to lower the temperature and unite America now invokes the brutal racial hatred of Jim Crow segregation to smear—to smear—States whose new voting laws are more accessible than, for example, Delaware. Ten days of early voting and excuse-only absentees in Delaware is just fine, but 17 days of

• This “bullet” symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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early voting and no-excuse absentees in Georgia is racist Jim Crow?

The Senate Democratic leader pretends it is a civil rights crisis that Georgia has enshrined more early voting and more absentee balloting than his own State of New York has ever allowed. This is misinformation. It is a Big Lie designed to reduce faith in our democracy, justify a top-down election takeover, and justify smashing the Senate itself. Some years back, a veteran Democratic Senator explained:

[The] nuclear option is ultimately an example of the arrogance of power . . . [it] would transform the Senate from the so-called cooling saucer our Founding Fathers talked about . . . to a purer majoritarian body.

That was then-Senator Joe Biden. He continued:

At its core, the filibuster is not about stopping a nominee or a bill, it is about compromise and moderation.

Now, before President Biden abruptly reversed this position he held for decades, he was actually in very good company. Senator Robert Byrd of West Virginia, the legendary Senate institutionalist, was this crucial tradition's fiercest defender. The current Democratic leader has tried to invoke Senator Byrd in support of this push to vandalize the Senate. This is more misinformation. Senator Byrd went out of his way to rebut Leader SCHUMER's arguments, years in advance. Here is a direct quote from Senator Byrd:

Proponents of the so-called nuclear option cite several instances in which they inaccurately allege that I blazed a procedural path toward an inappropriate change in Senate rules. They're dead wrong—

Said Senator Byrd—

Dead wrong. They draw analogies where none exist and create cockeyed comparisons that fail to withstand even the slightest intellectual scrutiny.

That is how Senator Byrd felt about it. Down to his final public statements before his death in 2010, Senator Byrd was completely consistent:

I oppose cloture by a simple majority, because it would immediately destroy the uniqueness of this institution . . . minority rights would cease to exist in the U.S. Senate.

Senator Byrd, shortly before his death.

That Democratic leader knew how to serve and protect the Senate.

This Democratic leader wants power so badly he will misrepresent his own late predecessor if it helps him get it. Senator Byrd's successor, the current senior Senator from West Virginia, has eloquently restated the very same points. Our colleague Senator MANCHIN published an op-ed explaining why "there is no circumstance in which I will vote to eliminate or weaken the filibuster"—Senator MANCHIN.

He pointed out that finding compromise across party differences and differing regional interests was "never supposed to be easy . . . but it is the work we were elected to do." He noted that current rules guarantee "that

rural and small states and the Americans who live in them . . . always have a seat at the table."

Our colleague also pointed out that the 60-vote threshold keeps Federal law durable and predictable:

If the filibuster is eliminated or budget reconciliation becomes the norm, a new and dangerous precedent will be set to pass sweeping, partisan legislation every time there is a change in political control . . . our nation may never see stable governing again.

This has been a key point for Senators on both sides going back generations. In his farewell address before retirement, our former colleague, Lamar Alexander, put it this way: The Senate rules exists to "force broad agreements on controversial issues that become laws that most of us will vote for and that a diverse country will accept."

In other words, major changes need major buy-in. Otherwise, every policy would ping-pong wildly whenever the gavels change hands.

This is a point which our colleague, the senior Senator from Arizona, has explained powerfully. As Senator SINEMA wrote just a few months ago, "the 60-vote threshold . . . compels moderation and helps protect the country from wild swings . . . and radical reversals in Federal policy."

Sometimes the effect of the filibuster is to block bills outright. Republicans are using the tool to stop one-party election takeovers. In 2020, Democrats used it to kill Senator TIM SCOTT's police reform bill. But as President Biden argued decades ago, the filibuster is about more than what gets blocked. It shapes almost everything the Senate actually does pass. It gives all kinds of citizens and all kinds of States a meaningful voice in nearly everything.

By breaking the Senate, this Democratic leader wants to silence the voices of millions and millions of Americans. He wants to throw whole regions of the country into a political power outage because those voters don't agree with his radicalism. We will see which Senators have the courage and the principle to put a stop to it.

Finally, on a more practical level, I want to make something very, very clear. Fifty Republican Senators, the largest possible minority, have been sent here to represent the many millions of Americans whom Leader SCHUMER wants so badly to leave behind. So if my colleagues try to break the Senate to silence those millions of Americans, we will make their voices heard in this Chamber in ways that are more inconvenient for the majority and this White House than what anybody has seen in living memory.

Last year, the Senate passed major bipartisan legislation on infrastructure, on hate crimes, on government funding, on competing with China. Last year, Senators helped speed through noncontroversial nominations.

So what would a postnuclear Senate look like? I assure you, it would not be more efficient or more productive. I personally guarantee it.

Do my colleagues understand how many times per day the Senate needs and gets unanimous consent for basic housekeeping? Do they understand how many things would require rollcall votes, how often the minority could demand lengthy debate?

Our colleagues who are itching for a procedural nuclear winter have not even begun to contemplate how it would look. Our colleagues who are itching to drain every drop of collegiality from this body have not even begun to consider how that would work.

If the Democratic leader tries to shut millions of Americans and entire States out of the business of governing, the operations of this body will change. Oh, yes, that much is true. But not in ways that reward the rulebreakers, not in ways that advantage this President, this majority, or their party—I guarantee it.

The PRESIDING OFFICER. The Republican whip.

VOTING RIGHTS ACT

Mr. THUNE. Mr. President, later today, President Biden will be speaking in Georgia as part of Democrats' effort to convince the American people that voting rights are under attack so they can justify their attempt to abolish the Senate filibuster to pass their partisan election legislation.

A noted Democrat operative once famously said that you should never let a good crisis go to waste. He meant, of course, that a crisis could give you the opportunity to push things through that you might not be able to get done in the ordinary course of things. It is a lesson the Democrats have learned well.

Last March, for example, Democrats used the cover of the COVID crisis to pass a so-called COVID relief bill that had very little to do with COVID relief and had a lot to do with expanding the role of government and providing payoffs to Democrat constituencies.

But, unfortunately for Democrats, when it comes to election legislation, there is no crisis for Democrats to exploit, so Democrats have spent the past year busily trying to manufacture one. I say the past year, but Democrats have actually been claiming there is a voting crisis for much longer.

The source of the election bill that we will likely vote on this week is H.R. 1—election legislation that was first introduced by Democrats back in 2019. Back then, Democrats told us that our election system was broken and that we needed this bill to fix it. After all, a Republican had won the last Presidential election and beat a favored Democrat candidate. Surely, surely, that meant our system was in trouble. But then the 2020 elections came along, and Democrats won the Presidency and a majority—albeit a narrow majority—in both Houses of Congress. Voter turnout was massive, and a Pew Research Center poll found that 94 percent of people found it easy to vote—94 percent. So all of a sudden, it was pretty

difficult for Democrats to claim that our system was broken. But they still wanted to pass their election legislation, so they came up with a new crisis.

In 2021, a number of States passed updates to their voting laws—partly because of the challenges and special circumstances that arose as a result of the pandemic. Democrats decided that these commonsense, mainstream updates represented an unprecedented attack on voting rights.

Georgia, which was one of the first to enact voting legislation, has become the poster child for the Democrats' campaign to convince Americans that their voting rights are in danger.

So what terrible voter suppression measures are States imposing? Well, one provision of the Georgia law that has come in for a lot of Democrat outrage is its measure forbidding partisan political organizations from providing individuals with food or water within 150 feet of a polling place. Yes, apparently preventing partisan political organizations from providing lunch to voters threatens the very stability of our entire democracy.

Now, nothing in Georgia's law prevents outside groups from providing food and water to individuals outside the 150-foot radius, and Georgia's law explicitly allows nonpartisan election workers, as opposed to political groups, to make water available to voters. Of course, I am pretty sure any voter can bring his or her own food and water. But none of that has prevented Democrats from suggesting that rules about food and water distribution at polling places represent a grave threat to voting rights.

Ironically, the State of New York has a similar provision in its election law prohibiting any refreshment or provision to a voter at a polling place except if the retail value of what is given is less than \$1 and the person or entity providing it is not identified. Yet I don't see the Democrats traveling to New York to decry the threat to democracy posed by the New York Legislature.

After Georgia passed its voting law, President Biden got up and attacked the law for supposedly ending voting early to prevent working people from voting. He made that accusation repeatedly. The problem? There was exactly zero truth to his claim. In fact, as the Washington Post's Fact Checker column pointed out, "experts say the net effect of the new early-voting rules was to expand the opportunities to vote for more Georgians, not limit them."

That is from the Washington Post's Fact Checker. Let me just repeat that:

[E]xperts say that the net effect of the new early-voting rules was to expand the opportunities to vote for most Georgians, not limit them.

The Fact Checker gave the President four Pinochios—a rating the column reserves for "whoppers"—for his false claim that the law was designed to keep working Americans from voting.

I would also like to point out that not only is Georgia's election reform law thoroughly mainstream, Georgia's laws are actually more permissive in some respects than voting laws in some Democrat States.

Georgia offers no-excuse absentee voting. The Democrat leader's home State—Senator SCHUMER's home State—does not. In fact, voters in the Democrat leader's home State actually just rejected a ballot measure that would have allowed no-excuse absentee voting. I guess the Democrat leader thinks that those voters are trying to destroy our democracy.

Georgia also has way more days of early voting than the Democrat leader's home State. So does Arizona, another State that has come under fire from Democrats for updating its election laws. Yet red States, according to Democrats, are the States attempting to suppress votes.

It is also important to note that the Georgia law was written to address concerns from Republican and Democrat voters, including concerns raised by Stacey Abrams-affiliated groups over the 2018 Georgia gubernatorial election.

There is no question—no question—we should make voting easy and accessible, but there are a lot of different ways to do that. States can have different requirements and still all offer ample opportunities to vote.

Also, I think my Democrat friends need a little perspective check. There are countries where individuals would consider it a privilege to be able to stand in line to vote in a free election—even if someone didn't provide them with food and water.

Of course, no one wants voters to have to stand in long lines, and, in fact, Georgia's election law will make it less likely that they have to. But Democrats' dramatic claims that a long line or a lack of a drop box or, say, 9 as opposed to 10 days of early voting somehow threatens the right to vote in this country are nothing short of absurd. I have faith that Americans are capable of voting even without the Democratic Party providing them with a boxed lunch.

There is no election crisis in this country. This last election—biggest turnout in American history in 120 years. You have to go back to the year 1900 to find a time when the election turnout in an American election was equal to or exceeded what we had in 2020. What there is, is a partisan Democrat election bill the Democrats have wanted to pass since long before the Georgia Legislature reformed their election laws because they think it will give them an advantage in future elections. You don't have to take my word for it; more than one Democrat has openly admitted the Democrats want to pass a Federal election takeover because they think it will give their party an advantage in the next election.

If Democrats were really concerned about the security of our democracy

and the integrity of our elections, if they really cared about affirming Americans' faith in our electoral system, they would not be seeking to break the Senate rules to pass a totally—totally—partisan election bill on a totally partisan basis. A partisan Federal election takeover is not going to do anything to strengthen Americans' faith in our system. On the contrary, it will sow mistrust and division and heighten partisanship.

Instead of changing the rules to gain an advantage in the next election, I would suggest that my Democrat colleagues instead try coming up with an agenda that would appeal to a broad majority of Americans—perhaps starting with a plan to address the inflation crisis the Democrats have helped create. That would be a far better use of their time than undermining faith in our electoral system with a partisan rules change and a partisan Federal takeover of elections.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, I will speak today on two topics—No. 1, the substance of the bill, which is, I guess, yet to be known, regarding voting rights, which I consider to be a Federal takeover of State elections, and the constant threat of changing the rules of the Senate to do away with the legislative filibuster as we know it.

I would say to my Democratic colleagues, this has been going on for quite a while, the constant threat by Senator SCHUMER to change the rules to pass whatever legislation you-all can come up with.

All I can say is, things were different when we were in charge. We had the House, the Senate, and the White House. President Trump constantly urged Senator MCCONNELL and all of us on the Republican side to change the rules of the Senate so he could pass his agenda unimpeded; that anything that came out of the House, which was under Republican control, could sail right through the Senate with Republican votes only.

It was pretty clear to my Democratic colleagues that was not a good outcome, I thought for the country, but I guess for them.

We signed a letter on April 7, 2017—61 signatures: 28 Republicans, 32 Democrats, and 1 Independent. The letter was sent to Senator MCCONNELL, who was the majority leader, and the minority leader was Senator SCHUMER at the time, urging both leaders that, no matter what differences we have had regarding Executive nominations and judges, we should preserve the minority's rights under the so-called legislative filibuster.

Apparently, it made perfect sense to my Democratic colleagues that the Senate not change to accommodate Donald Trump and his wishes. I was assuming that the statement by my Democratic colleagues was about the institution, not just about the Trump Presidency and the times in which we lived in 2017.

Apparently, I was wrong—except for a handful. And to Senators SINEMA and MANCHIN, you have led from the front, not from the rear. You have taken your fair share of criticism as you have opposed changing the Senate rules to accommodate the voting rights bill, and it has been—the argument goes that this is so fundamental to democracy, voting, that the Senate has to give way in this instance.

All I can say is that when many of us were in your shoes, we didn't make an exception for a piece of legislation that we thought was critical to the future of the country. And it would be easy to find an exception here and there and everywhere, to the point that the rule bends with the exception. Now, I appreciate your steadfastness in that regard, and, apparently, as you read the news, a few more Democrats are becoming publicly unnerved by the thought of changing the legislative filibuster—just a handful. And we are supposed to be in over the weekend, I think, maybe even into Monday, to have the change—rules change—but that may be in flux now because it appears a handful of Democrats are showing some distaste for changing the rules. I don't know why they are coming out now. I appreciate it.

I don't think it would be very popular in certain States to change the rules of the Senate that would pave the way for the most radical agenda in my lifetime. I don't know if that has got something to do with it or if there is a newfound religion here by a handful.

To the rest, I won't forget this. I was 1 of the 28 Republicans who signed the letter to the leaders of the Senate asking that the institution maintain the legislative filibuster, and not because it benefited me personally but because I thought it benefited the American people.

The day you make the Senate the House, we are going to have wild policy changes. When we are in charge, we will go down one road; when Democrats are in charge, they will go down another road, and there will be a just unnerving aspect of this, in my view, and I think for well over a century, the Senate has prevented these wild changes. And that means you don't get what you would like as conservatives. The same people who are applauding my resistance to changing the filibuster today were all over me when we were in charge wanting me to change the filibuster. I understand that.

Ideological people want their way, and they don't particularly care how they get it. Most Americans have a more balanced approach about how the legislative process should work, and I

think, over time, the requirement to get a handful of people from the other party to pass legislation, particularly major legislation, has served the country well.

There are things that we would do completely different than our Democratic friends because we have different views, and some of these ideas just never make it through the Senate. And every now and then we will come up with solutions to hard problems that are bipartisan because we have to, as long as the legislative filibuster is around.

So the idea of changing the legislative filibuster would pave the way, if Democrats have all branches of government here, to make DC and Puerto Rico a State. I think they would. It paves the way for increasing the number of Justices on the Supreme Court because liberals don't like the current makeup. I think there would be a move to abolish the electoral college, which would be devastating for South Carolina.

And to all the people in this body, adding two more States may serve your interests, but it certainly dilutes the power you have as an individual State.

So the legislative filibuster is a stop sign to the most radical agenda I have seen since I have been up here, and it was a stop sign to the Trump agenda, and you just fill in the blanks.

This effort by Senator SCHUMER to abolish the legislative filibuster under the guise of a single exception is cynical and I think a sign of desperation.

I like Senator SCHUMER. I have been able to work with him—immigration and other hot-button issues—but the truth of the matter is, this all started back when President Bush's judicial nominees were filibustered en masse that led to the Gang of 14, spearheaded by Senator Byrd, sort of one of the icons of the Senate, to make sure that filibustering judges would be done only in extraordinary circumstances. We broke the logjam. We lost a couple of good conservative judges as part of the compromise, and that held until it no longer held.

In 2013, I got a call from Senator SCHUMER—I never will forget it—that we are going to push for a rules change when it comes to court of appeals and district court judges—I think in 2013.

I remember the reaction I had and Senator McCain's, and they were able to do that. And when President Trump became President and had a couple of Democratic—excuse me—a couple Supreme Court vacancies to fill, they were all filibustered, starting with Gorsuch, to the point that we changed the rules so that he could get some people on the Court who I think were highly qualified. So the bottom line is, when it comes to judges, the ship has sailed. Executive appointments, maybe that should have been changed. The effect on the judiciary, I think, is going to be detrimental over time.

The most ideological elements of each conference will have a large say

about what kind of judges we put on the court, and you will see a change over time from the right and the left because you no longer have to reach across the aisle to put a judge on the court.

Apply that to legislation and, again, it would be devastating to the country and this body to not require some form of consensus when it comes to legislation and deny the minority the ability to require that consensus.

As to voting rights itself, I think this is the most hyped, manufactured issue in a long time. This is a problem in search of—it is not a problem in search of a solution; it is a manufactured problem.

States under our Constitution are supposed to run elections. In my State, I think we do a pretty good job. There are some efforts to change election laws throughout the country. As more and more people vote by mail, I think it is incumbent that you have the same voter identification requirements by voting by mail as you do in person. It would be so easy to manipulate that system.

The bottom line here is this is an effort by the Democratic leader to basically say that Republicans, at our heart, are a bunch of racists when it comes to voting; that the reason they are having to do this is that States are changing laws to disenfranchise people of color and minorities.

I find that, like, incredibly offensive—I mean, just beyond offensive. In my State, which is 30 percent-plus African American, we have robust opportunity to vote. All these laws that are being changed to implement voter integrity, I think, are necessary in the times in which we live.

But the bill coming before the body, whatever it is, is a federalization of the election process. It is not about enfranchising the voters; it is about enfranchising the ability of the left to take over the electoral process to skew it to their favor, and I think almost all of us see it that way over here.

So, you know, as a Republican, particularly from the South, you sort of get used to being called a racist. It is never pleasant, but you sort of get used to it. It is the cheapest form of politics. It is very unsavory to the people in my State.

I went through that process in 2020, and I hope I have lived a life to convince reasonable people that, whatever flaws I have, being a racist is not one of them.

And to clothe this exercise here as some kind of moral imperative that if we don't do this bill, then people throughout the country will lose their right to vote because Republicans, at the end of the day, don't want people of color to vote is beyond offensive, and I hope it fails and that we can get back to some sense of regular order around here.

But I will end with this: When the shoe was on the other foot, most of us didn't do this. Your country needs you

right now to speak up. If you support changing the legislative filibuster one time for the voting rights bill, you support the end of it because there will be no end to the exceptions.

And most of you over there have been hiding in the corner, letting other people take the arrows. It is time for you to speak up. I actually hope we have a vote because I want to know where people are, whom I can count on and whom I can't, to understand what is transactional and what is about the body. Time will tell.

I yield the floor to Senator CORNYN.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, considering the way our Democratic friends talk about the state of voting rights in America, it is easy to see why some people have expressed concerns because if you took them at face value, you might be very worried about the state of voting rights in our country, but there is more to the story than that, which I will hope to explain here in the next few minutes.

For example, when it comes to the alarmism about voting rights, look no further than the Democratic majority whip, Senator DURBIN from Illinois, who said there is an "insidious effort to suppress the rights of voters of color."

Senator SCHUMER, the majority leader, Senator from New York, has said the right to vote is "under attack in ways we have not seen in generations."

President Biden himself has said there is a "21st century Jim Crow assault" on the right to vote.

If you were to take these at face value and accept them, obviously, you would be very concerned about the state of voting rights.

But there is more to the story, as I said. If you just listen to these statements, you would think that the States—the 50 States—had just imposed literacy tests on voting. You would think the disgusting and subjective determinations of "good moral character" that existed before the civil rights movement had somehow sprung back to life. You might even wonder if the Supreme Court of the United States has struck down the Voting Rights Act itself.

(Mr. KELLY assumed the Chair.)

Obviously, none of these things are true. There is simply no concerted effort to attempt to prevent voters of color or any eligible voters from casting their ballots.

The Voting Rights Act—one of the most important pieces of legislation in our Nation's history—is alive and well. I think the Voting Rights Act has done more to change our country for the better than any other piece of legislation that I can think of.

So, to be frank, the facts simply don't support our Democratic colleagues' alarming rhetoric about the state of voting in America. This narrative of widespread voter suppression is nothing more than a scare tactic to achieve a political outcome.

Our colleagues across the aisle have introduced many different versions of their Federal takeover of State elections bill, but the justification seems to always change. First they said it was a matter of election security; then of voter confidence; and then and now, a way to remove obstacles that prevented people from voting. Today, our colleagues on the other side of the aisle claim that this legislation is necessary because the States have passed new laws that restrict voting access. So let's just take a look at what some of those laws entail.

One of those laws in my State of Texas, where the goal is pretty simple, which is to make voting easier and to make it harder to cheat—Texas already offers 2 weeks of early voting in person, and the new law didn't make any changes in that. For 2 weeks, you can show up and vote in person before election day—hardly a restriction on people's access to the ballot.

This law did, in addition to making sure that people had 2 weeks to vote in person early, extend voting hours in more than 60 different Texas counties and clarify that voters who were in line at the time the polls closed would still be able to cast their ballot. It doesn't sound like voter suppression to me.

But the law also took some measures to reduce opportunities for fraud or mischief. Texas voting systems must now be tested before an election to ensure there are no technical difficulties. I am sure all of us are familiar with the occasional problem with voting machines, technical difficulties that need to be fixed to make sure it counts each legitimate vote. And we did make sure that voting rolls reflected only qualified voters. In other words, voters who passed away were removed from the voting rolls.

My State, like others, has clarified that the temporary, pandemic-related measures were not intended to be permanent. We did take some extraordinary precautions in the midst of COVID-19 to make sure people had access to the ballot. But these are hardly—restoration of the status quo before COVID-19 is hardly an example of voter repression.

I mentioned Texas and its expansive right to cast your ballot in person and to make sure everybody in line when the polls close could still cast their ballot.

Another State that has come under fire is Georgia. As a matter of fact, the Attorney General of the United States has sued Texas and Florida and Georgia under the Voting Rights Act. And, of course, President Biden is highlighting the Georgia laws because he is visiting today doing what I have never seen a President do before, and that is, villainize a State's new voting law, which, to me, is a bizarre thing for a sitting President to do, to travel to a State for the purpose of villainizing that State's law.

I doubt he will mention the fact that Georgia actually extended early voting

to 17 days. That is not an example of voter suppression, of trying to restrict people's access to the ballot. As a matter of fact, that is much more generous than what President Biden's home State of Delaware has offered in terms of early access to the ballot.

So these clearly are not examples of Jim Crow voter suppression. These are commonsense measures designed to encourage people's confidence in the integrity of the voting systems and to make sure that they are both accessible and secure. These efforts should not be villainized; they should be applauded. They shouldn't be twisted beyond recognition, trying to manipulate the facts in order to achieve a political outcome.

If these State voting laws, then, are not designed to restrict access to the ballot, you might wonder whether there was a preexisting problem. So let's have a look.

Did voters actually have a problem casting their ballot during the last election? Well, following the 2020 election, the Pew Research Center conducted a poll of the voting experience, and it found that the vast majority of voters, 94 percent—94 percent—said that voting was easy. I don't think you could get 94 percent of people to agree that the Earth is round anymore, but here we have 94 percent of the voters who voted with ease in 2020. This is a stark contrast with the claimed assault on voting rights that we have heard so much about from our colleagues on the left.

Despite what the radical left might lead you to believe, there is no nationwide assault on voting rights. If there were, every person in this building would be lined up to defend the right to vote, not just Democrats. This is a manufactured crisis designed to achieve a political outcome.

There are plenty of safeguards already in place to prevent discriminatory voting laws from taking effect, the most important of which, as I have already said, is the Voting Rights Act. Because of this legislation, the Justice Department has the authority to take action against any State, any political entity that discriminates on the basis of race, color, or membership in a language-minority group. This has been the case for half a century, and no one—no one—wants to weaken or eliminate those protections.

Unfortunately, some of our colleagues on the left have misrepresented the picture of voting rights in America to justify this partisan power grab. The legislation they have introduced does more to enhance their own power than it does to address voting rights. These bills aren't about supporting disenfranchised voters or fighting voter suppression because, as we know, there is no nationwide assault on the right to vote, notwithstanding what some have claimed. This is simply about enhancing the political power of the Democratic Party. They want to seize States' constitutional authority to

manage their own elections and use it for their own benefit.

That is one of the most curious things about this debate that we are hearing from some of our Democratic colleagues. They want to actually vote for a nationwide, one-size-fits-all standard, to the detriment of their own States' voting laws.

It is pretty strange to come here representing a State—let's say I was in the shoes of the Democrats. If I were to come here to say "Well, my State has passed voting laws. I represent my State, but I want the Federal Government to take over the voting laws and to suppress and supersede the voting laws in my State"—that is what our Democratic colleagues are asking for.

President Biden, apparently, rather than changing the voting laws in his home State of Delaware, wants the Federal Government to create a one-size-fits-all answer to voting rights in America—again, something that is inconsistent with the Constitution and makes no sense at all.

Well, to make matters even worse, some of our colleagues are even advocating blowing up the Senate in order to achieve their goals because they know they don't have 60 votes in order to close off debate.

Now, the 60-vote requirement is the subject of a lot of controversy, but, frankly, it makes good common sense. In a country as big and diverse as America, do you really want to have a partisan majority of 51 writing the laws that affect 330 million people, only to have, after the next election, the next majority undo those or change them in some other way? Wouldn't you want a mechanism that forces us to do what we might consider to be a little unnatural, which is actually to build consensus and build bipartisanship to make sure that the laws we pass are not only adequately debated and thought out, but they could endure beyond the next election because they enjoyed the support of bipartisan majorities?

That is what the 60-vote cloture requirement is really about. It is about making sure that purely partisan outcomes don't succeed and forcing us to do what I believe is in the best interest of the American people, which is force us to work together to achieve bipartisan consensus.

The election takeover bill may be the first one our Democratic colleagues try to pass if they eliminate or weaken the filibuster, but it won't be the last. This isn't going to be a one-and-done exercise. Anybody who says you can carve out voting laws and everything else will remain the same is just kidding themselves and the American people. If the Democrats created a carve-out for election-related bills, there would be nothing—nothing—stopping them from resurrecting early versions of the election takeover bill and passing them on a completely partisan basis.

Previous versions of this bill would have turned the historically bipartisan

Federal Election Commission into a partisan body. They would have mandated ballot harvesting and seized States' constitutional authority to draw their own congressional districts. These are the types of radical measures that we could see under what our colleagues call a modest carve-out.

If our Democrat colleagues eliminated the bipartisan 60-vote requirement, the floodgates of partisan legislation would surely open. Last year, our colleagues tried to pass legislation that exploits the cause of pay fairness to send a wave of business to trial lawyers. They pushed for another bill that would impose crushing legal penalties on those who refuse to comply with woke social norms.

If the filibuster—the 60-vote bipartisan filibuster—were eliminated, Republicans would have no way of stopping these bills from becoming law. And it doesn't stop there. The threat doesn't stop there.

Think of the most controversial bills that our Democratic colleagues have proposed. They could add new States to the Union—DC statehood, Puerto Rican statehood. They could pack the Supreme Court of the United States with liberal Justices. They could pass laws that infringe on the Second Amendment to the Constitution, the right to keep and bear arms, or legalize abortion up until the time a baby is delivered in the third trimester. They could impose job-killing taxes and kick-start the Green New Deal.

So what is at stake here this week is far more than the fate of one or two bills. Our colleagues are proposing to put a thumb on the scale to benefit the Democratic Party.

If the filibuster, the bipartisan 60-vote requirement, is eliminated, our colleagues on the other side of the aisle will have unchecked power to write the laws affecting 330 million Americans. We know they are already willing to manufacture a voting rights crisis to increase their own power. If they are willing to do that, what aren't they willing to do? I know I am not alone in saying I hope we never find out.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. SCHUMER. Mr. President, will my colleague from Texas yield for a request, just a request. I would like to borrow his chart.

Mr. CORNYN. I have yielded the floor.

Mr. SCHUMER. OK. My colleague, I would yield to you. I have the floor.

Do you mind if I borrow your chart? Great. Thank you.

Now, my good colleague from Texas says 94 percent of voters said voting was easy in 2020. So why don't we keep it that way?

Isn't it true that all of the changes that we are arguing about are post-2020, and is it an overwhelming likelihood that this number, if these changes are allowed to go into effect, will go way down? So, yes, we agree. Keep the

2020 laws. Maybe we should improve them. Right now, what we are combating is a series of legislatures—19—and 33 laws that will make this number surely go down because it makes voting less hard. So we agree that 2020 worked out OK. I guess my friend is saying the Big Lie is false because Donald Trump said it was fraudulent, the election results.

I would thank my colleague for his chart and will be using it again.

Mr. CORNYN. Mr. President, would the Senator yield for a question?

Mr. SCHUMER. I sure would.

Mr. CORNYN. Would you give me an example of one of the laws passed in Georgia or in Texas since the 2020 election which you believe suppresses the right to vote.

Mr. SCHUMER. There is a long list of them, which I have listed in my speeches. Let me just give one or two: one, making early voting places and dropoff voting places many fewer; No. 2, in the largest county—Democratic county, African-American county—in Georgia, taking away the bipartisan ability to collect those votes; No. 3, in Georgia, making it a crime that, if you are standing in line, you can't be fed, and the lines, by the way, according to the reports I get, are much longer in African-American communities than in White suburban communities, making it much, much harder—making it a crime, rather—to give people water or a sandwich.

So I am going to now give my remarks, but I thank my colleague for the question, and I am going to take the floor.

Mr. CORNYN. Mr. President, I have one more question to clarify your response.

Mr. SCHUMER. The last question, yes.

Mr. CORNYN. Is the Senator suggesting that ballot harvesting should be required in all 50 States? That is the ability of a partisan or a participant in a political election to go around to nursing homes or to other vulnerable populations and collect ballots and turn them in.

Mr. SCHUMER. If the Senator would yield, as long as there is no fraud, if a person in a nursing home can't get to the polling place and wants to vote and someone collects their ballot, there is nothing wrong with that. In fact, that is good. That makes it easier for them to vote.

With all of these things that they bring up, there has been no evidence of fraud—none. Donald Trump has not produced any evidence of fraud. He lost by 7 million votes. Yet he is saying he won the election.

We all know what is motivating our colleagues on the other side of the aisle—obedience to Donald Trump. I would guess most of them know that the election was not stolen, that the Big Lie doesn't take effect, but Trump has such power over the Republican Party—such power—that they do what he wants in the legislatures and here in the Senate.

I would remind my good friend from Texas that his fellow Texans George H. W. Bush and George W. Bush proudly supported an extension of the Voting Rights Act. They proudly did that. It was bipartisan until Donald Trump came over and, in my opinion, poisoned the Republican Party on voting rights. We could use a little resistance to Donald Trump. We see it from a good number of Republicans out in the country, and we see it from a good number of Republican commentators, but we don't see it here in the Senate, and that is unfortunate.

I am not going to yield for a further question.

Mr. President, as I begin my remarks, let me begin with the following figure—and we will have a debate later.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

Mr. SCHUMER. Mr. President, let me begin with the following figure: 55 million people; that is the estimated number of eligible voters who now live within States that have passed legislation restricting the right to vote and potentially undermining the electoral process.

Today, President Biden will travel to one such State, Georgia—home to one of the most egregious voter suppression and election subversion laws we have seen in a long time. I believe the President will give a strong speech and will urge that we in the Senate change the rules so that we can prevent these awful and nasty laws from being implemented. In an address to the Nation, he will use the bully pulpit of the Presidency to make the case that the time has come for the Senate to pass voting rights legislation and take whatever steps necessary to address this Chamber's rules in order to accomplish that goal.

The Senate is going to act as soon as tomorrow. It is my intention to, once again, bring legislation to the floor to fight back against the threats to democracy and protect people's access to the ballot.

Once again, I urge my Republican colleagues to take up the flag of the traditional Republican Party, not only of Lincoln but of Reagan and H. W. Bush and W. Bush and vote yes to move forward so we can have a debate like the debate we just had or the discussion we just had. But if Republicans continue to hijack the rules of the Senate to prevent voting rights from happening, if they continue paralyzing this Chamber to the point where we are helpless to fight back against the Big Lie, we must consider the necessary steps we can take so the Senate can adapt and act.

For the past few months, Senate Democrats have been holding talks within our caucus to discern how we can best move forward to restore the function of the Senate and, more importantly, pass legislation to defend democracy and protect voting rights. Last night, I held another round of

talks with a number of my colleagues about the path forward, and we did so again this morning.

Over the past few days, our Republican colleagues have escalated their attacks against our efforts to pass voting rights legislation.

Listen to this one: Last night, the Republican leader worked to place a number of “gotcha” bills onto the legislative calendar as some sort of payback for pursuing legislation to protect the sacred right to vote. He was basically saying: Here are 18 bills that Democrats don't like. Let's go for 50 votes on those. Well, I proposed to the Republican leader, in a unanimous consent request, that it would be perfectly fine with us taking votes on his bills on a simple majority threshold if, in exchange, he agreed to do the same for the Freedom to Vote Act and the John R. Lewis Voting Rights Advancement Act. Of course, the Republican leader immediately objected—immediately objected—to having all of them done with 50 votes: the 18 bills he proposed and our 2 voting rights bills.

The Republican leader made clear last night that the true worry on the other side isn't about the rules of the Senate—rules they were perfectly happy to change to pursue their own objectives when they were in the majority. Republicans, in truth, are afraid of the possibility that legislation to defend democracy, to fight the power of dark money, and to protect voting rights could move forward in this Chamber.

As I mentioned to my colleague from Texas, that is not all Republicans. That is not Republicans out in the country—a lot of them want to protect voting rights—but it is the Republican Party as now run by, and it is fair to say run by Donald Trump, who has propagated the Big Lie that the election was stolen and that he really won, even though he lost by 7 million votes and even though he has no evidence—nor have the commentators to that effect. Now we have at least Republicans in the Senate and the House and in lots of State legislatures completely going along with this Big Lie.

The danger there is that it jaundices our democracy. If people of color, if young people, if older people, if people in urban areas feel that their right to vote is being diminished compared to other people's—because they are not aiming this at everybody—democracy begins to wither. We have not seen an assault on voting rights since the days of the Old South, since the forties and fifties and sixties and seventies. Why would we want to regress? Why would we want to regress? So we must fight back.

Now, I understand our Republicans are going to continue their opposition through a flurry of speeches, decrying any effort by Democrats to undo these voter suppression laws and make it easier for Americans to vote.

By the way, I would remind my colleagues that this has been the grand

tradition of America. When the Constitution was written, in most States, you had to be a White male Protestant property owner to vote. No one says let's go back to those days. In general, America, with our march to freedom and our march to equality, embodied in our Constitution and in the great minds of the Founding Fathers—the greatest group of geniuses ever assembled—has marched forward. There have been regressions, but we have marched forward. We Democrats want to continue that march. We want to stop these types of laws.

The Republican leader doesn't have much to say so he has latched onto a talking point. He said the Big Lie is actually the warnings of voter suppression that come from Democrats, even though there are so many laws that are, obviously, done to suppress votes, and a lot of these Republican legislators say it openly.

So I would say to the Republican leader that his attempts to misdirect from the danger of Donald Trump's Big Lie and to try to say it is Democrats who are doing it is gaslighting, pure and simple. There is no evidence—no evidence.

The leader did it again yesterday and today on the floor, implying one more time that because the 2020 election was, indeed, successful, somehow voter suppression doesn't exist. Now, I answered my friend from Texas when he held up that chart. The Republican leader cherry-picked examples to distract from the real, unmistakable changes that are taking place in the States.

I would ask the Republican leader and the Republican Senator from Texas and every other Republican, if the 2020 election were as successful and secure and safe as he says it was, then why have Republican State legislators rushed to make it harder for people to vote in the aftermath of the 2020 election? Why can any Republican cling to the view that the election was stolen—Donald Trump's Big Lie—when JOHN CORNYN, my friend from Texas, is up there, with a chart, saying the 2020 election was successful, and the Republican leader said the same thing?

Doesn't that rebut Donald Trump? Doesn't that rebut those who came to the Capitol, motivated by Donald Trump's propagation of the Big Lie? Doesn't it rebut all of the State legislators who want to make it harder to vote if the 2020 election were successful?

Despite the Republican leader's best efforts, I have yet to hear from my Republican colleagues as to why it is OK for States like Georgia to make it a crime to give food and water to people who are waiting on line at the polls when we hear that, in minority areas and in urban areas, the lines are much longer than in rural areas.

I have yet to hear from Republicans why States like Texas and Arizona have made it a felony—a felony—for nonpartisan election workers to send

unsolicited mail ballot applications to voters. What is wrong with sending that? What is wrong with encouraging people to vote? The participation in elections is much higher in many Western countries than in ours.

Again, Texas didn't just prohibit nonpartisan election workers from sending mail ballots out to voters. They made it a felony—a felony. These States have effectively made it a crime—a crime—for election workers to proactively help people to vote. Where is the justification?

Where is the evidence of this massive fraud that Donald Trump talks about? No one gives any. Yet they predicate their policy moves here in the Senate on that.

To date, I have heard no explanation from the other side why States like Texas, Iowa, and Montana have reduced polling locations and hours. In Iowa, early voting of any kind has been cut by 9 days. How does that make the election more secure? Why is that in the grand tradition of making it easier for Americans to vote?

In Georgia, according to the Atlanta Journal-Constitution, the leading newspaper of Atlanta, the number of absentee drop boxes in four large counties in Atlanta, in the Atlanta area, will drop from 111 to 23—111 to 23. One of the justifications is that these boxes are no longer helpful, but this ignores the fact that over 300,000 voters used them in the last election—the last successful election, according to my friend from Texas. Republicans know that most of the people who used those drop boxes, of course, were Democrats. They tend to use them more, and that is why they are cutting them off.

The examples go on and on, unfortunately. This is not just a one-off or in one State or another. This is a massive campaign, which, if we do nothing, will continue and get worse.

States like Texas, Florida, Kansas, Iowa, New Hampshire, and Montana have passed laws making it harder—harder—to register to vote.

States like Alabama, Iowa, and Texas have passed laws that increase the potential for people with disabilities.

And, again, in Georgia, one rural county, Lincoln County, is trying to limit their polling places to just one in the whole county—just one place to vote for an entire county—causing people to potentially drive as many as 23 miles to cast a ballot. This wouldn't make voting easier. It turns it into a burden.

The truth is, our Republicans can't defend these laws. They are not going to mention them here today. Let's hear some Republicans defend these laws and point to evidence of the massive fraud that they say motivates them to do it. It is bunk—bunk.

The policies they have put forward have one purpose—one purpose only: making it harder for younger, poorer, non-White, and typically Democratic voters to access the ballot, to give Republicans a partisan advantage at the

polls by making it harder for democratic-leaning voters to vote.

Again, in a democracy, when you lose an election, you figure out why and try to win over the voters you lost. You don't stop the voters you lost from voting. That is what happens in autocracies, in places like Hungary, where Donald Trump just endorsed Orban, who is whittling away at democracy in Hungary.

It is cynical—cynical—for our Republican colleagues to argue that just because these voter suppression laws don't spell their intentions out in the open, that there is nothing sinister at play. But these laws have real impact, potentially divisive.

In Arizona, Mr. President, your State, the secretary of state has concluded that new laws could purge as many as 200,000 voters from their early voting list. And as you know better than me, Arizona has a long tradition of early and mail-in voting that, I think, was set up by Republicans, if I am not wrong.

In Georgia, over 1.3 million voters used absentee ballots in the last election, which could now be affected by the restriction.

Senate Democrats in Iowa argue that if today's voter suppression laws had been in effect in 2020, over 6,500 absentee ballots would not have been counted in the last election.

This isn't all that difficult to comprehend. When you pass laws that raise barriers to voting, fewer people end up voting. That is a fact. So as the President will say later, we are approaching a decisive moment for the country.

Voting rights, defending democracy have long been bipartisan issues in this Chamber. The Voting Rights Act of 1964 is one of the crowning achievements not only of the civil rights era but of the history of this Chamber. It is in no way a power grab to say the Senate will pass laws that make it easier, simpler, and safer for American citizens to exercise their most fundamental right. That has been part of the grand tradition of this country—usually, as I mentioned several times before, bipartisan.

I will add: As we proceed, we cannot hang our hats on the false hopes of inadequate or sometimes chimerical solutions.

Substituting the Electoral Count Act for the much needed reforms that we have in the Freedom to Vote and John Lewis Voting Rights Act is insufficient, unacceptable. Obviously, it doesn't affect the House and Senate. Obviously, it is not immediately urgent because it affects 2024. But most importantly, scorekeeping matters little if the game is rigged, and the game is in danger of being rigged if State Republicans empower themselves to arbitrate the results of future elections instead of it being arbitrated by what traditionally has happened in America by nonpartisan election workers.

So we need to work in this Chamber to pass real solutions that go to the

heart of the problem. We need to proceed with the John Lewis Voting Rights Act. We need to proceed with the Freedom to Vote Act.

All of us in this Chamber must make a choice about how we will do our part to preserve our democratic Republic. We can't be satisfied in thinking that democracy will win out in the end if we are not willing to put in the work to defend it.

So we need to pass these bills so our democracy can long endure after this present danger. To continue blocking these efforts is to offer an implicit endorsement of Donald Trump's Big Lie, which, unfortunately, is alive and well in 2022.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. TUBERVILLE. Mr. President, I ask unanimous consent to complete my remarks before the scheduled recess.

The PRESIDING OFFICER. Without objection, it is so ordered.

FILIBUSTER

Mr. TUBERVILLE. Mr. President, last year ended with the best Christmas present that this Congress could have given to the American people—the Democrats' failing to pass President Biden's reckless tax-and-spending spree. But, sadly, the Democrats' failure doesn't seem to have made them realize the reality they are operating in: a 50-50 Senate, where they have to actually work with both sides of the aisle to deliver bipartisan wins for the American people.

They have now pivoted from a reckless tax-and-spend spree that would break the piggy banks of Americans to wanting to break the longstanding rules of the U.S. Senate. They have set their sights on changing the very core of this institution by eliminating the legislative filibuster.

Some Americans may not even know what the filibuster is. The Senate follows many rules and procedures to pass legislation, and the filibuster is an important tool that gives the minority party the ability to voice concerns and help shape any bill the majority party may bring up.

The filibuster serves as a check against the majority party wishing to act without input from the minority. Basically, with the filibuster, the majority has to work with the minority. That is the bottom line.

Voting to end debate on a bill is commonly referred to as "ending a filibuster." It simply means that the Senate agrees that there has been enough debate, including amendments, and it is now time to take a vote. And as one of the Senate rules, it requires 60 votes to end debate and move to passing the bill.

Even if you aren't familiar with complicated Senate procedures, just know that the filibuster is important because it protects the deliberative nature of the Senate.

It ensures we function as an institution rooted in compromise, common

ground, and a sense of unity. We represent all Americans, not just a few.

Looking back on the history, you will see it has been utilized as a standard Senate practice by Republicans, Democrats, and Independents alike.

It is so important that in 2005, Senator SCHUMER, whom you just heard speak, said: “The ideologues in the Senate want to turn what the Founding Fathers called ‘the cooling saucer of Democracy’ into the rubber stamp of dictatorship.”

Yes, he said that doing away with the filibuster would effectively create a dictatorship.

More recently, in 2017, Senator SCHUMER doubled down on the need to keep the filibuster in a letter to Leader MCCONNELL. In his letter, Senator SCHUMER argued for the protection of “existing rules, practices and traditions as they pertain to the right of members to engage in extended debate on legislation before the United States Senate.”

To sum that up, he said no way should we cancel the filibuster.

That letter was signed by 33 Democrats, many of whom are still serving in this Senate as we speak. One of the signers who served at that time who signed this document is now the Vice President of the United States.

And it is not just the Vice President who has warned against ending the filibuster. In 2005, on this very floor, Senator Joe Biden warned that if the ability to filibuster were abolished, done away with, the Senate would become the House of Representatives.

I recognize that both sides of the aisle have, at some point, diminished the filibuster on nomination votes. In 2013, then-Senator Harry Reid lowered the vote threshold for Presidential appointments, other than Supreme Court nominees, to 51. In 2017, the Republicans turned around and lowered the standard to 51 for Supreme Court nominees.

Based on that, the left may call our opposition now hypocritical. But there is a big difference between legislation and nominations, including policy and our budget and nominees.

Debating legislation should include input from all Senators and be subject to compromise through the amendment process in order to be made better.

A nominee’s qualifications are not subject to input or change. Voting on a nominee is a take-it-or-leave-it vote. You can’t change their background or qualifications with more debate or more amendments. That is why they moved the vote to 50.

But the filibuster on legislation forces the majority to take into account the minority’s position and to make the changes necessary to earn their support.

So now that the Democrats seem to be changing their tune on the legislative filibuster, it might be worth asking what has caused the Democrats to flip-flop and why now?

Well, there is one notable reason. Between 2017 and 2022, who is in control of the White House and Congress now?

Back in 2017, when the Democrats were in the minority, they understood the value of the minority’s vote. But now they are in the majority, and all bets are off. They want to race through their party’s Big Government socialist agenda with as little or no debate or opposition as possible. And Senate Democrats have embraced a radical, win-at-all-cost game plan for passing their progressive agenda, and they intend to and will break the Senate if they do it.

Democrats say their war on the filibuster has to do with strengthening voting rights, and they want to make it easier to vote and harder to cheat. If that were true, Democrats wouldn’t have any problem passing this on a bipartisan level.

We all want to safeguard our elections so that all Americans have confidence in the integrity of our country’s election process. But if access to the ballot box were an issue, it might come as a surprise that the 2020 election saw the largest voter turnout in over a century.

The Democrats are simply operating under a false idea. The States should run our election system, not the Federal Government.

What is more is, they will tell you they are embarking on this crusade to “save our democracy.” But the problem is, they want to do it by blowing up our democracy, blowing up this room.

Ending the filibuster means we would govern only by majority rule, stifling the voice of all minority and millions and millions of people who voted for the people who are in here in the minority.

Instead of saving it, this one-party rule would be the end of our democracy as we know it.

Instead of including the minority’s voice in legislation that should serve all Americans, we would have radical swings back and forth every time the majority changed hands in this room.

Right now, there are few Democratic Senators who have stood up for the filibuster. They understand the important role of the minority’s voice. This is not the House of Representatives. They understand the importance of making sure we listen to the voices of the millions of Americans who voted for the minority party, whoever it is. They know what even a small “exemption,” or what they call a “carve-out,” could lead to—devastation to this room.

So I ask the rest of my colleagues on the other side of the aisle: Why not join us and save the filibuster? That is what makes us the voice of all Americans. Why not focus on what you can do to lead in the face of many crises actually facing the American people?

In a recent poll, nearly 50 percent of Americans disapproved of President Biden’s handling of COVID. The disapproval ratings were even higher when it came to the economy, taxes, crime, government spending, and immigration. It is clear that, right now,

Americans need more adults in this room and more leadership, and I can guarantee that the American people do not want leadership that resorts to changing the rules to get their way, to notch a win. The American people want leaders who actually address the problems they face, like COVID and inflation.

We cannot allow the failed leadership of Big Government socialists to be a scapegoat for eliminating the filibuster and fundamentally changing our country for the worse.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:46 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Ms. SINEMA).

EXECUTIVE CALENDAR—Continued
The PRESIDING OFFICER. The Senator from Washington.

NOMINATION OF ALAN DAVIDSON

Ms. CANTWELL. Madam President, I rise to speak in support of our next vote, the nominee to head the National Telecommunications and Information Administration at the Department of Commerce, Alan Davidson.

My colleagues know now, in an information age, how important access to broadband is. They know because of COVID-19 how important it is for healthcare, how important it is for education, and how important it is for people to have the flexibility in all parts of the United States to have access to the ability to connect and to connect with people around the world.

We have long talked about the need for an NTIA Administrator who understands the public sector and understands the private sector. Mr. Davidson does that. He comes to us with a wealth of experience in both sectors, and he is coming at a time when my colleagues have been asking for more leadership from the administration on broadband issues. That is to say, many of my colleagues, like Senator WICKER, Senator KLOBUCHAR, and many others, have asked for coordination between various programs that exist within the Department of Commerce, the Department of Agriculture, and the issues in coordination with the FCC and oversight of their programs to better maximize the delivery of broadband.

The Presiding Officer knows how much money is now on the table for broadband. We all know that this implementation is going to take a very skilled hand at trying to address both the issues of affordability and access. But more importantly, we will be getting with Mr. Davidson somebody who understands these issues well and will help us strive to get America better connected as quickly as possible.

We can't say enough about how important that is as COVID-19 continues across the United States of America with different variants. I am not saying it is going to be the new normal and continue for the next several years, but we know this: We need Mr. Davidson's help. We need his help effectively and speedily to get broadband deployed to both sectors of our economy—those who are unserved and those who are underserved.

We look forward to advancing this nominee and putting him to work as quickly as possible, and I personally look forward to working with him on these very important issues. There is much to do to leverage the dollars we have made available, but we have to work cooperatively with all parts of the United States to make that a reality.

Nothing could be more important now to upgrading U.S. infrastructure than getting fiber deployed, getting broadband to American homes, and making our grid more secure. With all of these things, I look forward to working with Mr. Davidson, and I appreciate his comments to me about his commitment to those issues as well.

I yield the floor.

VOTE ON DAVIDSON NOMINATION

Ms. CANTWELL. Madam President, I ask unanimous consent that the scheduled vote occur immediately.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the Davidson nomination?

Ms. CANTWELL. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

The PRESIDING OFFICER. There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Oregon (Mr. MERKLEY), the Senator from Georgia (Mr. OSSOFF), the Senator from California (Mr. PADILLA), the Senator from Vermont (Mr. SANDERS), and the Senator from Georgia (Mr. WARNOCK) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Louisiana (Mr. CASSIDY) and the Senator from Mississippi (Mrs. HYDE-SMITH).

The result was announced—yeas 60, nays 31, as follows:

[Rollcall Vote No. 4 Ex.]

YEAS—60

Baldwin	Carper	Hassan
Bennet	Casey	Heinrich
Blumenthal	Collins	Hickenlooper
Blunt	Coons	Hirono
Booker	Cortez Masto	Inhofe
Brown	Duckworth	Kaine
Burr	Durbin	Kelly
Cantwell	Fischer	King
Capito	Gillibrand	Leahy
Cardin	Graham	Lee

Lujan	Reed	Sullivan
Manchin	Romney	Tester
Markley	Rosen	Tillis
Menendez	Rounds	Van Hollen
Moran	Schatz	Warner
Murkowski	Schumer	Warren
Murphy	Shaheen	Whitehouse
Murray	Sinema	Wicker
Peters	Smith	Wyden
Portman	Stabenow	Young

NAYS—31

Barrasso	Grassley	Risch
Blackburn	Hagerty	Rubio
Boozman	Hawley	Sasse
Braun	Hoeven	Scott (FL)
Cornyn	Johnson	Scott (SC)
Cotton	Kennedy	Shelby
Cramer	Lankford	Thune
Crapo	Lummis	Toomey
Cruz	Marshall	Tuberville
Daines	McConnell	
Ernst	Paul	

NOT VOTING—9

Cassidy	Klobuchar	Padilla
Feinstein	Merkley	Sanders
Hyde-Smith	Osoff	Warnock

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 465, Amitabha Bose, of New Jersey, to be Administrator of the Federal Railroad Administration.

Charles E. Schumer, Maria Cantwell, Patrick J. Leahy, Martin Heinrich, Tim Kaine, Gary C. Peters, Chris Van Hollen, Jeanne Shaheen, Jack Reed, Tina Smith, Thomas R. Carper, Mazie Hirono, John W. Hickenlooper, Edward J. Markey, Sheldon Whitehouse, Jacky Rosen, Tammy Baldwin.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Amitabha Bose, of New Jersey, to be Administrator of the Federal Railroad Administration, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from California (Mrs. FEINSTEIN), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Oregon (Mr. MERKLEY), the Senator from Georgia (Mr. OSSOFF), the Senator from California (Mr. PADILLA), the Senator from Vermont (Mr. SANDERS), and the Senator from Georgia (Mr. WARNOCK) are necessarily absent.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Louisiana (Mr. CASSIDY), the Senator from Mississippi (Mrs. HYDE-SMITH), and the Senator from Pennsylvania (Mr. TOOMEY).

The yeas and nays resulted—yeas 61, nays 29, as follows:

[Rollcall Vote No. 5 Ex.]

YEAS—61

Baldwin	Grassley	Rosen
Barrasso	Hassan	Rounds
Bennet	Heinrich	Schatz
Blumenthal	Hickenlooper	Schumer
Blunt	Hirono	Shaheen
Booker	Kaine	Sinema
Brown	Kelly	Smith
Burr	King	Stabenow
Cantwell	Leahy	Sullivan
Capito	Lujan	Tester
Cardin	Manchin	Thune
Carper	Markley	Tillis
Casey	Menendez	Van Hollen
Collins	Moran	Warner
Coons	Murkowski	Warren
Cortez Masto	Murphy	Whitehouse
Duckworth	Murray	Wicker
Durbin	Peters	Wyden
Fischer	Portman	Young
Gillibrand	Reed	
Graham	Romney	

NAYS—29

Blackburn	Hagerty	McConnell
Boozman	Hawley	Paul
Braun	Hoeven	Risch
Cornyn	Inhofe	Rubio
Cotton	Johnson	Sasse
Cramer	Kennedy	Scott (FL)
Crapo	Lankford	Scott (SC)
Cruz	Lee	Shelby
Daines	Lummis	Tuberville
Ernst	Marshall	

NOT VOTING—10

Cassidy	Merkley	Toomey
Feinstein	Osoff	Warnock
Hyde-Smith	Padilla	
Klobuchar	Sanders	

The PRESIDING OFFICER. On this vote, the yeas are 61, the nays are 29.

The motion is agreed to.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The bill clerk read the nomination of Amitabha Bose, of New Jersey, to be Administrator of the Federal Railroad Administration.

The PRESIDING OFFICER. The Senator from Illinois, the majority whip.

GUANTANAMO BAY

Mr. DURBIN. Madam President, 20 years ago today, a C-141 Starlifter made its final descent toward a naval base in the Caribbean. As the plane landed, two white schoolbuses waited on the apron, together with a swarm of military humvees and a large contingent of armed soldiers.

The plane door opened, and the passengers were offloaded. Heads shaven, legs shackled, the passengers were removed from the plane one by one, each wearing the same identical outfit: a fluorescent orange jumpsuit, a matching ski cap, and earmuff-style noise protectors. Some were also wearing blackout goggles over their eyes to completely deprive them of any sentient experience.

This was the scene as the first 20 detainees were hauled off to Guantanamo

Bay 4 months to the day after September 11 and the hideous terrorist attacks.

That afternoon, former Secretary of Defense Donald Rumsfeld assured the public and made a statement. Listen to his words carefully. This is what the Secretary said:

We do plan to, for the most part, treat [the detainees] in a manner that is reasonably consistent with the Geneva Conventions.

Madam President, that Orwellian double-talk kicked off a 20-year saga at Guantanamo Bay, a chapter in American history that it is time to close.

As we now know, the detention facility at Guantanamo Bay was deliberately created to avoid the requirements of the Geneva Conventions and other time-honored treaties that America used to brag about being party to. In the words of one senior official in the Bush administration, Guantanamo exists “in the legal equivalent of outer space.” The facility was designed to be a legal black hole, where detainees could be held incommunicado, beyond the reach of laws, beyond public scrutiny, and subjected to torture and unspeakable abuse. It is where due process goes to die.

Perhaps the most shameful lie surrounding the creation of Guantanamo’s detention facility was that it would help deliver justice to the families of the thousands of Americans who died on 9/11.

In March 2002, then-President George W. Bush delivered a speech before Congress where he promised that the terrorists who attacked America on 9/11 would “not escape the justice of this nation.” Yet, two decades later, the families who lost loved ones that day are still awaiting justice. The case against the alleged 9/11 coconspirators has not been resolved. In fact, it has not even gone to trial 20 years later. At this very moment, those terror suspects are sitting in cells in Guantanamo without any resolution in sight.

Think about how the world has changed since September 11, 2001. Osama bin Laden has been hunted down. The war in Afghanistan, our Nation’s longest war, is over. Four Presidents—four different Presidents—have presided over the facility at Guantanamo Bay. But despite all these changes and all this history, one tragic truth remains: America has failed to provide closure to the families of the victims who suffered those unimaginable losses on September 11, and that is simply because Guantanamo was never intended to deliver justice.

If justice delayed is justice denied, Guantanamo speaks for itself, and the documented history of Guantanamo Bay cannot be disputed.

Last month, the Judiciary Committee, which I chair, held a hearing on closing Guantanamo Bay finally, once and for all. One of the witnesses who was particularly touching was Colleen Kelly, whose brother Bill died in the North Tower on 9/11. During her testimony, she said:

Five men stand accused in the military commissions at Guantanamo of responsibility for planning and supporting the 9/11 attacks. Today . . . a trial has not even begun. Instead, family members have heard years of argument in pre-trial hearings. While these hearings have produced no legal justice for 9/11, they have revealed the shocking role of torture in undermining [any] 9/11 prosecution.

At the end of her testimony, Ms. Kelly said:

My brother Bill was killed in what was likely the most public event in human history. My family does not have any of my brother’s remains, nor do one-third of 9/11 families.

She said directly to us:

I am asking this Committee and the Biden Administration to deliver the next best thing—a resolution to the 9/11 Military Commission that provides answers to our questions, accountability for unlawful acts, justice too long denied, and a path to closing Guantanamo.

When Ms. Kelly spoke before the committee, she wasn’t just speaking for her family; she was speaking for our Nation.

For 20 years, Guantanamo Bay has defied our constitutional values and the rule of law. It has actually weakened our national security. It costs us dearly—morally, monetarily.

Listen to the subsidy which American taxpayers give to Guantanamo Bay. It is a subsidy that subverts justice. Today, most Americans couldn’t answer this question: How many detainees are there in Guantanamo? Thirty-nine. Taxpayers spend \$550 million a year to keep that facility open. Do the math. That is almost \$14 million per year on each prisoner.

Moreover, two-thirds of the remaining prisoners have never been charged with any crime. That is right—never charged. Yet they are being detained indefinitely, in violation of our basic constitutional principles.

Of the 27 uncharged men, more than half of them have already been approved for transfer. Think of that. Some have been approved for years. Another was approved just yesterday. These individuals are languishing in Guantanamo for no justifiable reason and contrary to any notion of liberty or justice.

Every day Guantanamo remains open is a victory for our Nation’s enemies. It is a symbol of our failure to hold terrorists accountable and our failure to honor the sacrifices of our servicemembers. These failures should not be passed on to another generation. They should end with the Biden administration.

Last fall, I introduced an amendment to the National Defense Authorization Act to close Guantanamo. It was ambitious, I know, but it was a goal that I felt is most consistent with who we are as Americans and what we say about justice. I was disappointed that the Senate didn’t take up any amendments literally or this amendment particularly. Instead, it voted once again to prohibit the use of Federal funds to

transfer Guantanamo detainees to the United States and made it even harder to transfer detainees to foreign countries willing to accept them. That just delays the Guantanamo experience even longer.

But let me be clear, even with these legislative restrictions in place, there is more the Biden administration can and must do to accelerate the closure of Guantanamo.

First, the administration should repatriate or resettle the 14 detainees who have been cleared for transfer. There is no excuse, none, for any further delay, which is why President Biden should appoint a special envoy at the State Department to negotiate transfer agreements with other nations.

Additionally, the Biden administration should appoint a senior official within the White House who will be accountable for leading the process of closing Guantanamo.

Finally, the Justice Department should bring its legal positions in alignment with President Biden’s stated goal of closing Guantanamo in his first term. The Department has yet to correct course on a number of troubling legal positions, including failing to acknowledge that our Constitution’s due process clause applies to prisoners held in Guantanamo.

It is time to stop hiding from our values. Our Federal courts have proven more than capable of handling even the most serious and complex terrorism cases. They have done so swiftly and efficiently.

Since 9/11, hundreds of terrorism suspects have been tried and convicted in our Federal court system. Many are now being held safely in Federal prisons. Meanwhile, as I mentioned, the case against alleged conspirators in the 9/11 attacks still has not come to trial. In the face of unimaginable horror, such as the attacks on the World Trade Center and the Pentagon, we must turn to our system of justice to hold our enemies accountable. Legal black holes like Guantanamo are anathema to American values and accountability.

One of the military officials who testified in last month’s hearing was Michael Lehnert. He was the very first commandant at the facility at Guantanamo. Where does he stand today on that facility? He is calling publicly for its swift closure.

During his testimony, General Lehnert said that “most of America has forgotten about Guantanamo. But hear me when I tell you that our enemies have not. Closing Guantanamo responsibly restores the reputation of America,” the general said, “ensures accountability for those who have committed crimes against us, and provides closure for the families of those they have harmed.”

By allowing Guantanamo to remain open, we are giving our enemies the power to define who America is. It is time to reclaim that power and prove to the world that America is not a nation defined by our darkest moments.

We are a nation defined by our values. Let us start living up to them.

I yield the floor.

The PRESIDING OFFICER (Mr. MURPHY). The Senator from Mississippi.

ELECTIONS

Mr. WICKER. Mr. President, a few years back, I was watching a television news show and I saw video that struck me as strange. It was a video taken by a security device outside of a residence. Basically, someone is knocking on the door—multiple doors at this particular apartment—and the person knocking on the door basically said this: I am a volunteer for the Democratic Party, and I am here to collect ballots from those who wish to vote Democrat in the next election.

I found that strange until I learned that that practice called ballot harvesting is perfectly legal in the State of California; in other words, it is all right for me as a volunteer for my party to go and knock on the door and say: I am here to collect your absentee ballot but only if you are voting for the candidate I am for.

That is perfectly legal. That is called ballot harvesting. I hope my colleagues can see the opportunity for abuse in this particular practice.

I think most State legislatures that have prohibited this sort of practice see the opportunity for abuse. What is to stop me from saying, “Knock. Knock. Knock. I am a volunteer for party X, and I am here to collect ballots for people who like to vote for candidates of party X,” getting those ballots and then perhaps forgetting to turn them in or perhaps losing them or not turning them in at all?

That sort of practice is rife for abuse, and I think it is the reason that most States prohibit that.

Soon we will be taking up a bill, which I am told, if it comes to us in the form that it is in now, would allow that sort of ballot harvesting. To me, if California wants to try this, that is their right. I think it is rife for abuse, and I wish they wouldn't do it. But to impose these sorts of requirements on the rest of the Nation—our friends on the other side of the aisle propose this week to vote on destroying a provision that has served this Senate and this Republic well for over two centuries, and that is what is known as the filibuster but what I call the consensus-building, 60-vote rule.

This is a time-honored way that this body has been unique, and it has enabled us to craft some of the most long-lasting and widely accepted legislation in the history of this Republic. The Civil Rights Act of 1994 was passed with consensus because this Senate had to have 60 votes or more. In that case, it may have been a 66-vote rule. The Voting Rights Act of 1965 was passed with that consensus-building technique. Medicare, Social Security—time-honored legislation that has served this Republic and its citizens has been passed with this consensus-building tool.

And the leadership of my friends across the aisle would bring a measure to the floor later this week to repeal that and make us just like the House of Representatives, make us just like every Parliament in socialist countries around the world: majority rule, 51 votes—you get it—destroying that one tool that makes us come together and reach compromise.

And it wasn't just bills passed decades ago. In recent years, during your term and mine, Mr. President, we passed major—major—veterans legislation with Johnny Isakson on one side and BERNIE SANDERS on the other side coming together to build more facilities for veterans, to provide more choice for veterans.

Senator MURRAY of Washington and former Senator Alexander of Tennessee came together with a major rewrite of an education bill. And we did it with the filibuster in place. We had to come to an agreement. We had to get over 60 votes, and the bills were better because of that.

For that reason, in April of 2017, when a Republican President—a President I voted for—said we ought to think about abolishing the filibuster, 28 Republicans signed a letter saying, “Let's don't do that.” They were joined by 32 Democrats and by 1 Independent who caucuses with the Democrats. If I might take the time to read the two short paragraphs:

To Majority Leader MCCONNELL and Democratic Leader SCHUMER:

We are writing to urge you to support our efforts to preserve existing rules, practices, and traditions as they pertain to the right of Members to engage in extended debate on legislation before the United States Senate. Senators have expressed a variety of opinions about the appropriateness of limiting debate when we are considering judicial and executive branch nominations. Regardless of our past disagreements on that issue, we are united—

Said these 28 Republicans and 32 Democrats and 1 Independent—

[we are united] in our determination to preserve the ability of Members to engage in extended debate when bills are on the Senate floor.

And now I am told, unless I have been sadly misinformed, that every Senator from across the aisle, save two—save two—are prepared to go against what was specifically said in this letter and, on election laws, say that we are going to make all the decisions in Washington, DC, and take that away from the States.

I heard the distinguished majority leader say earlier today—and I had to ask about it. I heard the distinguished majority leader say Georgia has, of all things, made it a felony to give water to people standing in line to vote. I sat listening to the majority leader in astonishment. How could that possibly be? It turns out that if a charitable group or if a neutral person wants to come and give somebody water in line in Georgia, that is all right. What is against the law in Georgia is for me as candidate X to come up with a bottle of

water that says “Vote for Candidate X” and give it to somebody in line. Apparently, the people in Georgia in a decision-making role had decided, once you get in line to vote, you are no longer fair game. Politicians should leave you alone once you get in line to vote.

It is not a matter of giving somebody water; it is a matter of electioneering: Hi. I am ROGER WICKER, running for Senator. Here is a bottle of water. I hope you will remember me in another 50 feet when you get into the polling place.

The people of Georgia, in their wisdom, have decided that is going too far.

And I am told—and perhaps the distinguished majority leader could come to the floor and correct me and I would stand corrected if he did—I am told that it is against the law in New York to do the same thing. Once you are in line in New York, somebody comes and hands you something that advocates for one candidate or another, that is forbidden not only under Georgia law but under New York law—and I can see the wisdom in that.

Two months ago, there were two amendments to the New York Constitution that were presented before the voters—the November 2 election, 2021, in the State of New York. One would have deleted the current requirements that a citizen be registered to vote for 10 days. In my State, you have to be registered for 30 days. In New York State, it is 10 days. The law is you have to be registered for 10 days or you can't vote. A proposition was put on the ballot to eliminate that, allow same-day registration. Guess what the voters of New York did on that proposal a short 2 months ago. They voted 56.3 percent no against that.

Are we to assume that the voters of the State of New York are Jim Crow on steroids, as the President of the United States would suggest or can we possibly assume they thought a 10-day period before voting was appropriate and that we should keep it that way? I choose to think that we want 30 days in Mississippi. If Maine wants same-day registration and if the voters of New York say 10 days is all right by a double-digit margin, they have the right to do that.

And, again, if the distinguished Democratic leader can prove me wrong, I would accept that and apologize to him for that.

There was another issue on the ballot, and I hope not to take too much more time because I see my distinguished colleague from Louisiana here. The amendment would have deleted the requirement that an absentee voter give an excuse, and these are the excuses you have in New York right now. You have to be able to—unable to appear because of absence from the county or because of illness or physical disability. That is a requirement in New York. Somebody put on the ballot: Delete that requirement. Guess what the voters of New York decided. They decided to keep that requirement by a

vote of, again, double digits—55.03 percent of New Yorkers voted no on that.

I don't condemn them for doing that. I am sure they had a reason for doing that. But I think the leadership of the State of New York and the voters of the State of New York had a right to do that and I don't condemn them for doing it and I would not—I would certainly not break a two-century, consensus-building provision that has withstood the test of time to tell New York they can't do that, to tell all the 50 States that they must conform to an election law that we devise here in Washington, DC.

This is a pivotal week. This is a week that will decide the future not only of the Senate but of the future of our government—our representative government—and the future of our Republic.

I urge my colleagues to think twice about this. Sometimes, I have had to stand up to my party and say: I can't vote with you on that one. I know you want me to. I know I will suffer some reproach for not going with the team, but I am begging Members of both parties to search their hearts and decide in this case we are going to preserve the one consensus-building, compromise-encouraging provision that has withstood the test of time. I hope that happens.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

VOTING RIGHTS ACT

Ms. ERNST. Mr. President, and, hey, folks, did you hear about the attempt to steal an election? Maybe you heard this about a year ago or so, big attempt to steal an election, just last year. We had Washington insiders colluding to overturn the will of the people in a fair and free election.

Yes, you heard it right, an attempt to steal an election, but it is probably not the election that you are thinking about. Speaker of the House of Representatives NANCY PELOSI attempted to steal a seat in the House. Iowa's Second District Congresswoman won her election in 2020 and was certified by Iowa's secretary of state, 24 county auditors of both parties, and the bipartisan State Board of canvassers.

And she is here with me today, Representative MARIANNETTE MILLER-MEEKS. I thank the Representative for being here today.

In a blatant political power grab, the Speaker of the House spent over \$600,000 of taxpayer money in an attempt to unseat the duly-elected Congresswoman MILLER-MEEKS. Even some reasonable Members of the Democratic Party sounded the alarm bell on this brazen attempt to reverse the election results. Representative DEAN PHILLIPS said at the time: "Losing a House election by six"—yes, by six—"votes is painful for Democrats, but overturning it in the House would be even more painful for America."

Voters in Iowa and across America should choose their representatives without interference from politicians

in Washington. Guaranteeing both the right to vote as well as the integrity of our election system ensures fair and free elections which are the foundation of our Republic.

The attempt to overturn the Iowa election results was the opening salvo in the left's ongoing rush to take over elections. Democrats' proposals are seeking to limit voter ID, legalize ballot harvesting, provide taxpayer money to campaigns, and weaponize the Federal Election Commission. Using fake hysteria, they are trying to blow up the Senate and fundamentally change our country. However, their very effort is unpopular, unnecessary, and unacceptable.

I served as a local county auditor and commissioner of elections. My home State has seen various commonsense election reforms throughout the years. In fact, in 2017, the Iowa Legislature modernized our laws, which also included requiring voter ID.

At the time of its passage, Democrats warned the law was dangerous and an unnecessary hurdle and a significant barrier for anyone who was not a White male. They could not have been further from the truth. Three times since the new Iowa voter law was implemented, the State has seen record high turnout for elections, record high turnout—huge voter participation.

This includes record high absentee voting during the 2020 Presidential election. The 2021 elections also boasted record off-year turnout. My friends on the other side of the aisle will have you believe that voters are being suppressed in red States all over this country.

The irony here is that New York, home of the Democratic leader, and Delaware, home of President Biden, have some of the most restrictive voting laws in the entire country. And Iowa, because it has modernized our elections in the course of the number of past years, has been demonized by Democrats when, oddly enough, Iowa's election laws are much more progressive than Delaware and New York.

Just this past November, New Yorkers overwhelmingly voted down a ballot initiative to allow no-excuse absentee voting. New York voters also rejected a proposition that would have allowed individuals to register to vote and cast a ballot on election day.

By the way, Iowa has same-day voter registration, thank you.

Now, the senior Senator from New York is threatening to destroy the Senate to override the wishes of the residents of his very own State who voted against the policies he is trying to impose on every other State. Does that sound like democracy to you? It is not.

While the media will have you believe that Senate Republicans are blocking the Democratic leader's agenda, it is really the voters of his own State. Liberal States have some of the most restrictive election laws in the country—and don't take my word for it.

An expose recently published in The Atlantic found some States that the Democrats control in the northeast make casting a ballot more difficult than anywhere else and that the voting bill being pushed in Congress would hit some blue States just as hard, if not harder—now, that is The Atlantic—than the red States they claim are limiting the right to vote. And I will remind you Iowa is much more progressive than these States.

Plain and simple, Washington Democrats are gaslighting the American people. There is not a voting crisis in this country. It is manufactured. Their push to blow up the Senate and take over elections isn't about voter access, it is about power, the same power that liberal elites in Washington abused in their rush to steal Iowa's Second Congressional District—now held by Congresswoman MILLER-MEEKS—and silence Iowans' voices.

What was attempted in Iowa should never be allowed to happen anywhere ever again.

I yield the floor.

The PRESIDING OFFICER. The Senator from Louisiana.

FILIBUSTER

Mr. KENNEDY. Mr. President, my friend Senator SCHUMER, and some of my Democratic friends would like to change one of the enduring institutions of this institution. They want to get rid of the filibuster—and I call it the 60-vote threshold.

And a reasonable person might ask: Well, why not? Institutions change all the time. Change is the law of life. I will tell you why not. I want you to hear these words of wisdom:

We are on the precipice of a crisis, a constitutional crisis—

Getting rid of the filibuster.

the checks and balances which have been at the core of this Republic are about to be evaporated by the nuclear option—

Getting rid of the filibuster.

the checks and balances which say if you get 51 percent of the vote you do not get your way 100 percent of the time—

If you get 51 percent of the vote, you do not get your way 100 percent of the time in the U.S. Senate—

that is what we call abuse of power. There is, unfortunately, a whiff of extremism in the air.

Those are words of wisdom by Senator CHUCK SCHUMER, May 18, 2005.

If we change this institution which is part of the institution of the U.S. Senate, it will gut this body like a fish—like a fish. And everybody in this body knows that if that is accomplished, our institution will look like a scene out of "Mad Max."

America is a—God, what a wonderful place. It is a big, wide, open, diverse, sometimes dysfunctional, oftentimes imperfect, but good country with good people in it. And I want to emphasize the diversity part. What constitutes the good life in my State may not constitute the good life in Connecticut or in California or in Florida or in Maine.

And that is one of the reasons that we have and have had the institution of the 60-vote threshold. If you are going to make a law that is going to impact the entirety of this big, wide, open, diverse country, then you ought to have 60 votes because if you only have 51 votes, 51 percent of the vote does not get your way 100 percent of the time.

It has worked for a long time.

Now, I don't want to sound like I am lecturing, because I get it. I get it. I get that my Democratic friends and some of my Republican friends, who, frankly, are probably thinking about this—but I get that my Democratic friends want to—that they want to serve their President. We all want to serve our President. But you especially want to serve your President when the President is of your own party.

I remember when President Trump—now like President Biden—said: Change the filibuster. Get rid of it. I can't get my bills passed.

We said no. And by “we,” I mean Republicans and Democrats. Here is the letter right here. It was led by Senator COLLINS, a Republican, and Senator CHRIS COONS. I signed it. We said no.

Now President Biden wants to do the same thing. That is what Presidents do. They try to pass their bills. So I get it.

To my Democratic colleagues and any Republican colleagues who are thinking about voting for Senator SCHUMER's change of heart, I want to tell them: I get it too. I get it. I know the frustration. I have felt it. I have talked about it on this floor before.

You know, we all come up here for one reason: to make this country better. And we are ready to go to work, and we want to debate, and we want to decide. We didn't come up here for stultification. So I get it. I get the frustration. But you don't satisfy those aims by not following these words of wisdom by Senator SCHUMER.

Now, once passions have cooled, I don't want my words to be construed as an assertion that everything about our body is perfect. There are changes, once passions have cooled and the filibuster is intact, the 60-vote threshold is intact—I use “60-vote threshold” because “filibuster” to some has negative connotations, and it is a positive rule, not a negative rule. But once passions have cooled, there are a lot of questions that we need to sit down and talk about, and if my Democratic friends want to talk about them, I will be there. Call the meeting. I will pounce on it like a ninja.

I mean, there are questions that we need to be asking ourselves about this body; how we can make it better. Do we give our majority leader too much authority? It is not personal. Do we give our minority leader too much authority? It is not personal, but that is a fair question.

Every Member of this body knows about the diminution of our committee

system. Why do we even have committees anymore, for God's sake? I mean, you go work your committee, and you get a bill out, and it is a bipartisan bill, and you are feeling all toasty and ready to go, and you learn pretty quick around this place that doesn't matter. It is probably dead as fried chicken if the majority leader doesn't want to bring it up. And that is true whether the majority leader is Republican or Democrat. We need to have an honest conversation about the diminution of the committee process.

Our amendment rules. My God, there is not a single Member of this body who really understands those rules. I mean, if you ask—pick 10 Senators at random and say: Tell me the truth, now. Do you understand the rules of the Senate about how to offer an amendment? Nine out of ten will tell you no, and the tenth is lying. We ought to have an amendment process that looks like somebody designed it on purpose, and we don't. We ought to talk about that.

We ought to talk about the fact that this body—it didn't happen just yesterday—has ceded an enormous amount of our power, under a Madisonian system of separation of powers, to the executive branch and to the administrative staff.

After this is over, if any of my Democratic friends want to have that talk and see if we can't come up with a way to improve this body and ask some hard questions, I will be there happily, and I hope we can make progress. But to my colleagues, I say: Please, please, don't do this.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mrs. FISCHER. Mr. President, President Biden wants to pass a new New Deal. In fact, in some ways, the reckless spending the President is pushing for actually dwarfs the New Deal. But Joe Biden is not FDR, and we are not living in the Great Depression. The New Deal passed the House and the Senate on the back of huge Democratic supermajorities.

Today, Americans have elected a 50-50 Senate and a razor-thin Democratic majority in the House. The American people voted for bipartisanship and compromise in the U.S. Congress, not a blanket mandate for progressives to reorganize American life as they see fit. But some Democrats in Congress seem to think they did.

Because they haven't reached out to Republicans to work together on important issues, they haven't been able to pass their Build Back Better plan, so they have turned their attention to another kind of Federal Government overreach: overhauling the way our country runs elections. Their argument is that lawmakers in red States are trying to make it harder for people to vote, and so it is necessary for Washington Democrats to take over election administration in all 50 States.

One important point: The first part of that is simply not true. The right to vote is not under assault. According to Pew Research, 94 percent of Americans believe that voting is easy. In my home State of Nebraska, we achieved a record 76 percent voter turnout in the 2020 election, in the middle of a pandemic, because of all the different ways that my State made it easier for Nebraskans to vote, including expanded early voting and no-excuse absentee voting. But Democrats still want to pass a Federal takeover of elections.

Because the rules don't allow them to pass every single law they would like to in a 50-50 Senate, many of my Democrat colleagues are flip-flopping to oppose the filibuster. President Biden, who defended the filibuster during his nearly 40 years in the Senate, now wants a special carve-out for Democrats' election takeover. But who says it is going to stop there? The majority leader said in 2005, when Democrats were in the minority, that doing away with the filibuster would “wash away 200 years of history” and mean “doomsday for democracy.” Today, no one is pushing harder to end it than he is. And Democrats were perfectly happy to use the filibuster hundreds of times during the 4 years of the Trump Presidency, when the majority leader was the minority leader and Republicans had even larger majorities in Congress.

This isn't some debate about some arcane Senate rule. This is about protecting the rights of the minority in our democracy. This is about providing stability and certainty to our people. If the majority is able to constantly push through their views and policy every few years, drastic swings in policy will take place. Tax policy, social policy, health policy, foreign policy, defense policy—the laws of the United States will start just to whip back and forth, following where the power lies in this Chamber, and those shifts will weaken our Nation both here at home and abroad.

In 2017, the senior Senator from Maine and the junior Senator from Delaware led a bipartisan letter urging Senate leadership to preserve the 60-vote threshold for legislation.

While I appreciate their efforts, I did not sign that letter. I was concerned that many Democrats only signed it because they were afraid the GOP—that Republicans were going to end the filibuster. I believed that many of my Democratic colleagues would soon turn against the letter's own arguments and they would go back on their word. I believed that because a few years earlier, I had listened to reasons they gave for changing the executive filibuster for Presidential nominations when they

were in the majority, and I had then watched them reverse those positions when they were back in the minority. I felt they would flip again for political reasons as soon as they returned to the majority.

Of the 61 Senators who did sign that letter, 30 were Democrats, 28 are still in office, and I am sorry to say that they have proved me right. But when Republicans were in the majority, we said we wouldn't abolish the legislative filibuster, and we have kept our word.

The truth is that some of my Democratic colleagues want to remake the American system only in their own image, not considering the views of about half of our citizens. To do that, they have to take an ax to the filibuster. But I urge them to think about the consequences their actions may have.

Without the filibuster, any Senate majority would be free to ignore the other side to pass their own agenda. Bipartisanship? Well, it would become a relic of the past. I know that Democrats don't want that to happen. I don't want it to happen, either, and that is why I have consistently supported the Senate filibuster no matter who is in power.

I urge my colleagues to think beyond the passions of the moment and to do what is best for this country in the long term: Leave the filibuster in place. Democrats may want to use it again as soon as next year.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. YOUNG. Mr. President, in a letter written in 1789, Thomas Jefferson declared that the "earth belongs to the living, not the dead." Relationships between generations, he explained, are but that of a distant set of independent nations.

Mr. President, I don't know how many of my Democratic colleagues still admire Mr. Jefferson, but they are certainly taking his words to heart. There is little concern on one side of this Chamber about the impact of our actions beyond our own time here. There is a belief that the importance of this hour's partisan ambitions outweighs the value of centuries-old institutions.

Abandoning the 60-vote threshold in order to seize control of America's elections isn't simply shortsighted, it is clueless. It is the exact opposite of what the people who sent us here want.

Back home in Indiana, I hear from anxious Hoosiers because these are anxious times. I know what is on their minds—rising inflation, the cost of putting food on their table and gas in their tanks. I hear from them about paying to heat their homes. Many are struggling to pay next month's rent.

They are tired of and still worried about a pandemic that President Biden promised to shut down, and they are angry. Many are angry about a southern border that this President has left wide open.

In the middle of all this—an affordability crisis, an ongoing pandemic, a broken border—changing the Senate rules to nationalize Indiana's elections, to repeal popular voter ID laws, to use tax dollars to fund political campaigns are not high among Hoosier priorities or the priorities of the American people.

Do you know what is, though? Congress coming together, finding compromise, actually addressing, in a collective way, our shared national challenges. It is one of the most widely ignored messages of the last election. Every one of my colleagues should take note. If America wanted a radical, extreme, partisan set of changes put forward, they wouldn't have evenly divided the U.S. Senate. Believe it or not, they want us to collaborate, and we have shown them we are capable of doing that.

Let me remind my colleagues, we formed a united front against China when it comes to competitiveness and trade policy. We helped American workers and small businesses hurt by the pandemic. We gave our troops a pay raise. Now, these and so many other achievements are really important. They are achievements that will benefit Americans now and in the years to come. We need to do more working together.

Now, look, I have been around here long enough. I understand that my Democratic colleagues are frustrated. I say to my colleagues, you have had less success with your reckless multitrillion-dollar social spending bill than you would like. I understand that. Your proposal to federalize and politicize American elections has been a tough sell. I understand that.

As a result, America's democracy, we are told, is in peril, and the only way to save it is to kill the 60-vote threshold. But the 60-vote threshold is not the source of our Nation's dysfunction. I say to my colleagues, your Democratic radical agenda is driving much of the angst, the anxiety, and the frustration among the American people. The so-called legislative filibuster is not a threat to our democracy; ending it is.

My advice is to rethink your priorities. If you want to end gridlock, do the difficult work of actually building coalitions of support: introduce bills to be referred to the committees of jurisdiction that Republicans can actually vote for, allow for an open amendment process as we did with the China bill.

Now, this is the entire point of the 60-vote threshold. It is a forcing mechanism, during fraught times like these, that gives the minority a say in the process. It forces majorities to find ways to compromise. It incentivizes bipartisan collaboration among Senators representing diverse parts of our Nation with differing values, differing priorities. Americans want us to go through this hard work of finding common ground, of reconciling our differences. That is our job. And, yes, it is

an obstacle to simple majority rule. It is an obstacle to one party—either party—razing our institutions by the slimmest of margins. But need I remind my colleagues, this is not a direct democracy, this is a republic—small "r"—form of government.

Frustrating as it may be, the filibuster, in its way, is a source of and sometimes the source of order and even unity in Congress.

Now, if you think our current political division is troubling, colleagues, torch the filibuster, foist your unpopular partisan priorities on all Americans, and then check the health of our democracy. Pour gasoline on this raging fire. Don't be shocked by its sorry state after you do so.

I will close with a familiar caveat. Majorities, no matter their size, never endure. Looked at in the light of human history, all of us, even the most long-tenured, are here for a little more than a hiccup in time. Yes, what one party sows today, the other will of course reap tomorrow. Clearing the path for every grandly ambitious Democratic priority aimed at reshaping our country would only clear the way for a future Republican effort to repeal and replace it with one of our own, with even greater scale.

Beyond this, though, as much as I admire Thomas Jefferson, I do not believe that the Earth belongs only to the living. No. Citizens place both their trust and their destiny in a set of shared institutions. In America, this forms a compact that stretches across centuries and generations. It includes those in the grave and those yet unborn. And for the moment, we—Republicans, Democrats, Independents—we are its custodians.

If we give in to temporary passions, if we tear our institutions to shreds rather than work through them to serve the people, rewriting the rules when we don't win the game, we are failing in our jobs. We are breaking that compact.

So, as I said in my first speech on this floor, standing right over there—and I will repeat it until my last speech—we are, above all else, the custodians of the common good—the common good. Remember that, colleagues, before you take a hammer to one of the Senate's signature means of advancing it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BOOZMAN. Mr. President, I have had the privilege of serving Arkansans in the U.S. Senate and U.S. House of Representatives in both the majority and minority. So I know how unmistakably important it is to protect the rights of the minority in the interest of individual States—especially those like Arkansas that are more rural and less populated.

That is what our country's Founders had in mind when they designed the

Senate. The Senate is sometimes referred to as “the world’s greatest deliberative body”—the key word being “deliberative.”

It is not crafted to quickly approve or reject legislation passed by the House as a mere formality. Instead, it offers equal representation to each State and a procedural process that incentivizes and rewards consensus.

Allowing individual Senators to secure and, just as importantly, stop dramatic policy changes is what sets this body apart. The filibuster provides each of us leverage that must be preserved.

Unfortunately, many of our colleagues on the other side have succumbed to shortsighted political calculations and are endorsing changing the Senate’s rules in order to jam through their legislative priorities.

However, the ability to prevent radical, swift, and far-reaching changes that would surely sow confusion and uncertainty is invaluable. As such, I intend to continue protecting the filibuster.

Our Democratic friends, with some exceptions, are now abandoning their previous support for the filibuster, which, while in the minority, they argued was indispensable and utilized with zeal to great effect.

Even President Biden, who enjoyed a long career in the Senate and exercised his right to stop or hamper legislation and nominees he had concerns with, has decided his decades-long embrace of the filibuster is no match for the loudest voices in his party demanding to discard it.

The justifications all point in one direction: keeping power.

Today, the Biden administration and Senate Democrats believe a supposed threat to our democracy requires abandoning the minority party’s ability to pump the brakes on the excesses of one-party control in Washington.

Worse, the grave threat to the fabric of our society and experiment in self-government they are touting amounts to nothing more than duly elected State legislatures reining in some of the most overly accommodating voting policies that were enacted during the COVID-19 pandemic: things like reasonable limits on absentee voting, commonsense registration rules, and practical deadlines.

Instead, they want to bring the full weight of the Federal Government down on States like Arkansas that have sought to protect election integrity by instituting voter ID, blocking ballot harvesting, or ensuring the accuracy of voter rolls.

These commonsense safeguards are not an existential threat to our Nation, nor do they warrant breaking the Senate and being unconstitutionally superseded.

It is concerning that most Members of the majority are now singing quite a different tune when it comes to tinkering with longstanding rules of the Senate to achieve partisan ends.

I think it is important to applaud our colleagues on the other side of the aisle who remain committed to protecting the filibuster and, by extension, the very integrity of this institution. They have come under intense pressure. Yet I recognize and they recognize how important this tool is, the harm that would come from abandoning or undermining it, and that majorities in the Senate do not last forever.

Should the Senate go down this path, it would result in exceedingly scorched Earth, where consensus is even harder to find and shifting majorities implement drastic policy transformations when a President is willing to rubberstamp whatever Congress approves.

I have opposed this ill-advised tactic in the face of opposition from my own side of the aisle in the past and understand it is not always an easy thing to do.

My colleagues and I will not acquiesce on this question, and I hope the Senate can move on, in a bipartisan way, to addressing the challenges that our country is facing and finding solutions that actually help Americans facing real-world problems instead of spending any more time on partisan threats that upend this body’s traditions that would ultimately diminish its unique and necessary place within a government that is truly the envy of the world.

With that, I yield the floor.

THE PRESIDING OFFICER. The Senator from Wyoming.

MR. BARRASSO. Mr. President, I come to the floor today to join my distinguished colleague from Arkansas. I agree with everything that he has said about this latest power grab by the Democrats in the U.S. Senate—of their effort to change the rules, to rig the rules, of course, through an agenda which I see, as do so many Americans, as radical and extreme and dangerous and scary. What the Democrats are proposing right here is to muzzle the voices of half of the country.

So why are they doing this? Well, it really has nothing to do with the priorities that are the priorities of the folks from my home State of Wyoming or from the previous speaker’s home State of Arkansas or from the next speaker’s home State of West Virginia. Oh, no, it has nothing to do with that. It has nothing to do with the priorities that the Gallup poll tells us are the concerns all around America: the coronavirus and the crisis we face there; the crisis at the southern border, where we are looking at almost 2 million illegal immigrants coming into the United States; crime in the cities, with murders up year after year and just amazingly up this year.

Then, of course, there are the raging fires of inflation, which are cutting into people’s paychecks so that money doesn’t go as far. When families in home States are looking at the fact that they are going to be paying about \$3,500 more next year than the last and

the year before that just to keep up, to maintain the quality of living, they have a lot of concerns. What the Democrats are trying to do isn’t even one of them because the Democrats are trying to take a Federal takeover of elections. That is what they are trying to pass. They want to cram through a bill that they know otherwise would not pass.

So what is in the bill? Well, the Democrats want to do things like ban voter identification. You know, in my home State of Wyoming and I know in the previous speaker’s State of Arkansas and the soon-to-be speaker’s State of West Virginia, we know that people believe, if you want to get a ballot and if you want to vote, you should have to prove you are who you say you are.

In the home State of the Presiding Officer and the former Presiding Officer and in many States, if you want to go to a restaurant, you have to show your papers to prove you were vaccinated or to go into a building or to go to a sporting event. Yet the Democrats are proposing that you shouldn’t have to show anything to prove you even are who you say you are in order to vote.

What about the incumbents who want to vote for this thing? Oh, did we mention there are taxpayer dollars going to incumbent Members of Congress to pay for their political campaigns? No wonder so many of the Democrats have voted for this. It is money into their own pockets.

The Democrats want Washington, DC, to micromanage elections across the country. They want to rig the rules of the Senate so they can enact this unpopular bill to take over elections in America.

The American people aren’t asking for this. This recent Gallup poll that I alluded to asked people what they thought was the most important issue facing the country. Voting laws didn’t even crack the top 20. In a list of 23, it came in as 23rd. It is the Democrats’ No. 1 priority, and it is the last priority of the American public. It wasn’t even an asterisk. It didn’t even get 1 percent of the vote.

If the Democrats take over the Senate to take over elections and break the rules of the Senate, there will be no stopping them from passing the rest of this dangerous and extreme agenda.

Democrats know that there is an election coming in November. They can read the polls. They know it is not looking good for them. They know there is a very unpopular President in the White House. They know that their numbers are sinking, that their ship is sinking, and that they will soon be in the minority in both the House and the Senate.

Frankly, the election for the Democrats in the election after that doesn’t look so good either because it only took 1 year for the people all across the country to recognize that the current President of the United States, Joe Biden, is both overwhelmed and ineffective as the President of the United States. There is no denying that.

Changing the rules, as the Democrats are proposing to do, really is their last chance to pass their leftwing, fringe ideas. It is the last chance to pack the Supreme Court. The Democrats in this body introduced legislation to pack the Supreme Court, to add four Democrats to the Court. It is the last chance to add new States to the Union. It is the last chance to give amnesty to millions of illegal immigrants. It is the last chance before Democrats lose control of the Congress.

So why do they want to change the rules? It is because their agenda is so unpopular with the American people. They understand, as one Democrat said to another, that we have got to do it now because it is our last chance to force socialism on the American people whether they want it or not.

Instead of changing the rules, the Democrats should change their agenda. The Democrats should focus on what the American people say is important to them. It is our constituents who determine what is important to them. They are to communicate it to us. We are to represent them.

What is important to them? Well, it is getting ahead of the coronavirus, it is securing the border, and it is really to stop adding fuel to the fire of inflation when paychecks can't keep up with the costs of gas and groceries.

A Wall Street Journal story yesterday was about all of the Democrats who signed a letter saying: money from New England, Members of this body—they said energy costs are so high, the government should do something about it. This is after Joe Biden kills the Keystone XL Pipeline and stops oil and gas exploration, and their own home States are blocking pipelines which could carry inexpensive energy to the people who live there. Yet the Democrats want the government to do more. The government has done enough damage already.

There are lots of ideas that could pass the Senate and the House and be signed into law that would actually help the American people. Those are the things the American people are asking for. The American people are not asking for a blatant Democrat power grab to force through a very liberal agenda. People don't want to be muzzled. They don't want to have their voices silenced. They want real solutions. They don't want the Democrats' radical agenda.

I yield the floor.

The PRESIDING OFFICER (Mr. MARKEY). The Senator from Connecticut.

ORDER OF BUSINESS

Mr. MURPHY. Mr. President, I ask unanimous consent that the Senate vote on confirmation of the Bose nomination at a time to be determined by the majority leader in consultation with the Republican leader.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from West Virginia.

FILIBUSTER

Mrs. CAPITO. Mr. President, I rise today to deliver I think one of my more important speeches that I will give as a Member of this body, and that is to defend the longstanding rules of the U.S. Senate.

We are at a critical moment, make no mistake. With the slimmest of majorities, the Democrats haven't been able to pass their wildly unpopular agenda, so they are considering using the nuclear option—just think of the term “nuclear option” to show you how draconian it is—to eliminate the Senate's 60-vote threshold for legislation. They are doing it under the guise of protecting voting rights, but make no mistake—this power grab is not about voting rights. Instead, it is about advancing one party's agenda.

So I would like to take a look back at what Democrats, including President Biden, have said on the issue and why they are changing their tune. We can also debunk the argument that, if given the chance, Republicans would change the rules and eliminate the filibuster as the Democrats wish to do now.

Finally and most important to me, I am going to talk about how this short-sighted move would impact West Virginians, those whom I represent here in the Senate. They are the ones who will ultimately be hurt by this reckless and irresponsible change, and it is my responsibility to do what I can to stop it.

So President Biden is in Atlanta today, taking the bully pulpit to protest a State's law that he does not like as a reason to end the filibuster. He even says this is one of those defining moments. It really is. People are going to be judged as to where they were before and where they are after the vote.

It is interesting that he would say that because I would like to remind President Biden where he was when he was Senator Biden and what he had to say about eliminating the filibuster on this very floor in 2005.

He said:

It is not only a bad idea; it upsets the constitutional design, and it disserves the country.

Well, Senator Biden, I couldn't agree more. But he is not the only one who has done a complete 180 when it comes to the filibuster.

Majority Leader SCHUMER once said it would be “doomsday for democracy”—that sounds pretty bad, “doomsday for democracy”—if the filibuster were to be eliminated, and he was right. More recently, he has called the filibuster the most important distinction between the House and the Senate. Again, I couldn't agree more.

Then, from my home State of West Virginia, the late Senator Robert Byrd, a longtime Democrat, was unequivocal in his defense of preserving Senate rules.

He wrote in 2010:

The Senate has been the last fortress of minority rights and freedom of speech in this Republic for more than two centuries. I pray

that Senators will pause and reflect before ignoring that history and that tradition in favor of the political priority of the moment.

What would he say today?

Again, this is not about voting rights. It is important to note that we did have a record turnout in 2020. More people voted than ever before. More than 158 million ballots were cast in 2020, which is a 7-percent increase from 2016, and we didn't have this voting rights legislation. In West Virginia, we had thousands more people vote than voted in 2016. As a matter of fact, the total number of ballots that were cast in 2020 was more than in any election in our history with one exception—the 1960 election of President John F. Kennedy.

So don't believe the hyperbole. Don't believe the rhetoric. Don't take the bait. The party-wide flip-flop we are now seeing has nothing to do with voting rights. Instead, it has everything to do with paving the way for an aggressive and progressive agenda that the Democrats wish to enact.

One of the arguments from the other side that I hear all the time is, well, the Republicans would do the same thing and change the rules if given the chance. Guess what. We could have done that. Unfortunately, that argument doesn't carry much weight. Leader MCCONNELL, while sometimes under intense pressure to do this, never wavered, and we protected this institution. We didn't change the rules on the legislative filibuster when we didn't get our way. We could have, but we didn't.

Again, he knows, just as President Biden and Leader SCHUMER know, that if you can't get what you want, changing the rules is no way to govern. I certainly wouldn't run my household like that. It is no way to govern because it ultimately hurts those who sent us here to represent them.

In my home State of West Virginia, do you know what they want? They want us to work together like they saw us do on the bipartisan infrastructure bill. I hear this all the time. Bipartisanship is critical to making good and better policy, and if the Senate rules are changed, it would be a relic of the past. We just passed and signed into law the infrastructure bill that I worked to negotiate. We also passed the CARES Act. We passed opioid. We passed the Great American Outdoors Act—bipartisan.

We can do this, but if we change the rules to where only 50 votes are needed to pass legislation, there will be zero incentive or motivation for the two sides to work together. Just as bad, legislative accomplishments could be done or undone or redone and done over and over with just one flip of a Senate seat. Policies harmful to my State could be enacted: the Green New Deal, court packing, the federalizing of our elections. By the way, 54 of my 55 county clerks oppose that legislation. There would be packing the Senate with new States, defunding the police, attacking

the Second Amendment for law-abiding Americans, and more.

We don't even have to imagine what the Democrats would do or would want to do; we can just look at New York and what they just did. They are going to allow 800,000 noncitizens to vote. To put that in context, in my State of West Virginia, we only had 794,000 voters who voted for President in 2020.

Ramming radical policies through Congress without even attempting to gain consensus is not what our Founders envisioned, and it is not how Americans want us to operate.

Rest assured, those willing to change the rules to benefit themselves will do it again and again and again. Today, supposedly, it is voting rights. Tomorrow, it could be gun control. The next day, it could be open borders. I can only imagine.

I am asking my fellow Senators on the other side of the aisle: Don't do this. You will come to regret it, I think, if you do.

But I think that we need to preserve the rights of the minority.

We need to preserve the chance for bipartisanship. We need to preserve the traditions of the Senate. If you destroy this tradition, unfortunately, the country will suffer the consequences.

Thank you.

THE PRESIDING OFFICER. The Senator from Kansas.

MR. MARSHALL. Mr. President, I may be one of the Senate's newest Members, but that does not mean I don't understand the importance of the filibuster to this body or to this Nation as a whole.

Like Senators before me, I have observed the practice from the other side of the Capitol as a Member of the House and have heard the calls from a frustrated majority to eliminate it for the sake of jamming through an agenda and cashing in the political gain that would come from doing so.

But anyone who has an appreciation for our founding knows the purpose of the filibuster is indeed to frustrate the majority, to serve as an additional check in our government, and drive consensus and cooperation. Its purpose is to protect the rights of the minority and prevent the tyranny of the majority—in short, to save us from ourselves.

The Senators supporting the majority leader's effort to eliminate the 60-vote threshold seemed to once understand this too. Just a few years ago, 25 of them cosigned a letter opposing "any effort to curtail the existing rights and prerogatives of Senators to engage in full, robust, and extended debate."

Sadly, we are now witnessing the most blatant hypocritical policy switch we have ever seen, as many current Democrat Senators and the President have abandoned these principles.

This flip-flop appears to be all in the name of greed and power. They want to break the filibuster so they can break other institutions, such as the Su-

preme Court and State-run elections, to rig our political system in their favor because they can't win on their own radical socialist policies.

Without the filibuster, we will see tax laws, immigration rules, and more major policy go up and down like a roller coaster, negatively impacting our economy, creating uncertainty, and making it impossible for long-term business planning.

The filibuster is meant to force both parties to work together to come up with long-lasting policies which will help all Americans.

Take, for example, voting legislation. I want to make it easier to vote and harder to cheat—easier to vote, harder to cheat. With NANCY PELOSI's power grab act and other radical election proposals, the Democrats want to let the Federal Government take over our elections, which is unconstitutional, make it easier to commit fraud, pave the way for mass ballot harvesting, let felons vote, take integrity out of the elections process by prohibiting voter ID—something I am proud to say Kansas requires, voter identification, and it is working—and, finally, route taxpayer dollars toward funding political candidates they may not agree with.

I hope that Members of this body can come together, in a bipartisan way, to tackle the important issue of election integrity without destroying the 60-vote threshold in the Senate.

We have shown, in recent weeks, we can work together in a bipartisan fashion. The Senate voted 88 to 11 to pass the annual Defense authorization bill in December. The HELP Committee is currently working through a bipartisan bill to help tackle future pandemics. We can still tackle major issues in the Senate without abandoning our principles.

The right to extended debate for Members of this body has been preserved for two centuries, longer than the constitutional method of electing Senators via their home State legislature, which was ended when the 17th Amendment was ratified.

It is a dark day that Senators are being forced to come to the Senate floor to defend the 60-vote threshold. It would be one of the body's darkest days if 51 Senators changed the rules and removed our rights to robust debate and the right of our home States to have equal representation in this most distinguished legislative body. And it will come back to haunt them.

The answer to these partisan times is not to double down on partisanship and blow up the filibuster. I pray cooler and wiser heads will prevail, and we will maintain this important function of the Senate. Otherwise, our Nation is destined to become a winner-takes-all system, where the rights of the minority will never again be considered, and our Nation will suffer for it.

I yield the floor.

THE PRESIDING OFFICER. The Senator from North Carolina.

MR. TILLIS. Mr. President, I rise today to express my opposition to the

majority leader's plan to change the Senate rules. It will open the door wide for the filibuster to be eliminated for all legislation moving forward.

The bottom line is very simple: The ideologues in the Senate want to turn what the Founding Fathers called the "cooling saucer of democracy" into the rubberstamp of dictatorship. They want to because they can't get their way. They want to wash away 200 years of history. They want to turn this country into a banana republic, where if you can't get your way, you change the rules. It would be a doomsday for democracy.

These are strong words, and these are wise words, but they are not my words. They are direct quotes from Senator SCHUMER back in 2005, when he was a staunch opponent of weakening the filibuster. That is because during that time, the then-junior Senator from New York and his Democratic colleagues were making unprecedented use of the filibuster to derail President George W. Bush's judicial nominees.

The majority leader at one point profoundly admitted that "[y]es, we are blocking judges by filibuster. That is part of the hallowed process around here of the Founding Fathers saying the Senate is the cooling saucer."

But things have certainly changed two decades later.

President Biden, the majority leader, and their Democratic allies were intent on ending the filibuster the second the Democrats won the Senate last January.

The majority leader's latest attempt is to force a carve-out of the filibuster for what he claims will be just for one piece of legislation. But he knows where it leads: the full elimination of the filibuster and sooner rather than later.

I thought my friend the senior Senator from West Virginia put it perfectly last week. He said:

The problem with carve-outs is that you end up eating the whole bird.

There is no such thing as a carve-out when it comes to the filibuster. We all know it. I will talk a little bit about that later.

But for more than a century, the filibuster has served as a safeguard for our Republic. It has prevented one party from ramming through an ideological agenda when that party controls both the White House and Congress.

Without the filibuster, both the far left and the far right would have free rein to ram through extreme ideological agendas. Divisive partisan proposals could become law with only a simple majority. And with both parties regularly trading control of Congress, laws can just as easily be overturned and replaced, promoting the kind of chaotic, confusing policymaking we see in some European Parliaments.

By requiring 60 votes to end debate in the Senate, the filibuster promotes stability. It necessitates bipartisan compromise to pass legislation. That is something we need more of, not less.

I saw it firsthand when I was a proud participant in the passage of the bipartisan infrastructure bill. That is the way this Chamber needs to work.

That is why when President Trump demanded, I think some 30 times, that the Republicans should eliminate the filibuster in 2017, 61 Senators joined together in a letter making it clear that we would not let it happen. Thirty-two were Democrats, and 29 were Republicans. I was one of them.

And even though I received my fair share of pushback from my side of the aisle back in North Carolina, I was proud to sign that letter in 2017, and I would be proud to sign that letter today.

Unfortunately, this modest display of political courage has not been reciprocated by many of my friends on the other side of the aisle. Twenty-seven of the Senators who signed that letter are still in the Senate. Twenty-six of them are now supporting the full elimination of the filibuster. What changed? Nothing except the party in power.

Democrats staunchly defended and used the filibuster when Donald Trump was President at an unprecedented level, but Democrats are suddenly against the filibuster now that Joe Biden is President. Many of my Democratic colleagues are practicing situational principles: putting their own party's short-term interests ahead of what they know are the best long-term interests for the Senate and the Nation. It doesn't get more politically cynical than that.

President Biden served in the Senate for 36 years. He was known as a strong defender of the institution, including the filibuster. In this very Chamber, 21 years ago, Senator Biden declared that defending the filibuster was about defending "compromise and moderation." And he noted that his speech was one of the most important he would ever give. But now he favors destroying compromise, moderation, and the institution he had long cherished, all for the sake of political expediency for the next 12 months, until Republicans take back the House and most likely the Senate.

As I noted earlier, the majority leader also shares a partisan double standard with the President. In a "Dear Colleague" letter just earlier this month, he wrote that "Senate Democrats must urge the public in a variety of different ways to impress upon their Senators the importance of acting and reforming the Senate rules, if that becomes a prerequisite for action to save our democracy."

The Senate rule change he refers to is carving out the filibuster in order to pass one of the far left's priorities; that is, the voting bill that many of my Members or colleagues have talked about today.

But in 2018, the then-Senate minority leader struck a different tone. He said:

The legislative filibuster . . . is the most important distinction between the Senate and the House. Without the 60-vote threshold

for legislation, the Senate becomes a majoritarian institution like the House . . . no Senator would like to see that happen.

What is the difference between today and only a few short years ago? Again, it is the party that is in power.

This same pattern of situational principles also applies to the majority whip. He went on national television when Donald Trump was President to warn that eliminating the filibuster "would be the end of the Senate as it was originally devised."

That is Senator DURBIN.

But less than 4 years later, after Democrats won control of the White House and the Senate, the majority whip has a much different take. He recently declared that "the filibuster is making a mockery of the American democracy." He made that statement after he and his fellow Democrats used the filibuster a recordbreaking 328 times between 2019 and 2020, when President Trump was in office. That level hypocrisy is audacious, even by Washington, DC, standards.

And I know Democrats have been pushing back on this claim, claiming they are not trying to end the filibuster. They assure us that this is a one-time deal that will only apply to this one bill.

I would refer them to Newton's third law of physics: "For every action, there is an equal and opposite action." It most definitely applies to Senate rules as well.

In 2013, Senate Democrats invoked the nuclear option to end the 60-vote cloture requirement on judicial and Executive nominees other than the Supreme Court. All Republicans, and even a handful of Democrats, including the senior Senator from West Virginia, pleaded with the Democrats not to do it.

Minority Leader MCCONNELL warned Democrats at the time that "you'll regret this, and you might regret it even sooner than you think." But they did it anyway. And, indeed, there was that reaction.

Four years later, Republicans controlled the Senate, and we used the nuclear option to finish what our Democratic colleagues started on the executive calendar. We ended the 60-vote requirement for Supreme Court nominees.

There is a clear precedent on what happens when we change the Senate rules on a partisan basis for political expediency. It produces long-term consequences that I believe both sides will ultimately regret.

Democrats invoked the nuclear option to get more district judges, but by doing so, they paved the path for Justice Gorsuch, Justice Kavanaugh, and Justice Barrett, who now sit on the Supreme Court today.

What do we think now if the Democrats nuke the filibuster for just one bill? The Senate rule change that the majority leader is pushing is really a proxy vote for ending the legislative filibuster altogether and turning the Senate into the House, full stop.

So I ask my Democratic colleagues to consider this: When President Trump called for ending the filibuster, a large majority of Republican Senators stood up to preserve bipartisanship and to protect and respect this institution. Now, the roles are reversed. President Biden and the majority leader are demanding that you give them your vote to weaken the filibuster so it can ultimately be ended.

To my Democratic colleagues who signed on to the very same letter I did in difficult circumstances, I ask you: Will you stand up for the principles that you stood for just a few years ago and respect and defend this institution?

The PRESIDING OFFICER. The Senator from Utah.

Mr. ROMNEY. Mr. President, I prepared some remarks to give this evening, but I had the occasion to watch President Biden as he spoke in Georgia just a few minutes ago, and he said quite a number of things that simply weren't true. He also accused a number of my good and principled colleagues in the Senate of having sinister, even racist inclinations. He charged that voting against his bill allies us with Bull Connor, George Wallace, and Jefferson Davis—so much for unifying the country and working across the aisle.

More troubling, however, he said that the goal of some Republicans is to "turn the will of the voters into a mere suggestion." And so President Biden goes down the same tragic road taken by President Trump: casting doubt on the reliability of American elections.

This is a sad, sad day. I expected more of President Biden, who came into office with a stated goal of bringing the country together.

Now, our country has defied the odds for a democratic republic. It has survived and thrived for over 200 years. The character of the American people deserves most of the credit for that, but close behind are our vital institutions. Over the last several years, many of us recoiled as foundational American institutions have been repeatedly demeaned: The judiciary was charged with racial bias. The press was called the enemy of the people. Justice and intelligence agencies were belittled. Public health agencies were dismissed. Even our election system was accused of being rigged.

The U.S. Senate is one of our vital democratic institutions, and the power given to the minority in the Senate and the resulting requirement for political consensus are among the Senate's defining features. Note that in the Federal Government empowerment of the minority is established through only one institution: the Senate.

The majority decides in the House. The majority decides in the Supreme Court. The President, of course, is a majority of one. Only in the Senate does the minority restrain the power of the majority. That a minority should be afforded such political power is a critical element of this institution.

For a law to pass in the Senate, it must appeal to Senators in both parties. This virtually assures that the bill did not originate from the extreme wing of either one and, thus, best represents the interests of the broadest swath of Americans. The Senate's minority empowerment has meant that America's policies inevitably tack towards the center. As Senator Biden previously affirmed: "At its core, the filibuster is not about stopping a nominee or a bill, it is about compromise and moderation."

Consider how different the Senate would be without the filibuster. Whenever one party replaced the other as majority, tax and spending priorities would change, safety net programs would change, national security policy could change, cultural issues would career from one extreme to the other—creating uncertainty and unpredictability for families, for employers, and for our friends abroad.

The need to marshal 60 votes requires compromise and middle ground. It empowers the minority. And it has helped to keep us centered as a nation, fostering the stability and predictability that are essential for investments in people, in capital, and in the future. Abandoning the principle of minority empowerment would fundamentally change a distinct and essential role of the U.S. Senate.

But today's Democrats, now with the barest of majorities in a 50-50 Senate, conveniently ignore their own impassioned defense of the filibuster when they were in the minority. Let us be clear that those who claim the filibuster is racist know better.

For President Obama to make this absurd charge after he, himself, made a vigorous and extensive defense of the filibuster just a few years ago is both jarring and deeply disappointing. After all, I don't recall a single claim from Democrats that employing the filibuster hundreds of times over the last several years when they were in the minority was in any way racist.

Over the course of my life, I have found that when presented with a matter of personal advantage that would require abandoning principles, the human mind goes to work overtime to rationalize taking that advantage.

Only a few months ago, some of my Senate Democratic colleagues rationalized that the Senate couldn't function and, therefore, they had to get rid of the 60-vote rule. But then the Senate functioned quite well when it passed the infrastructure bill, armed services legislation, and a bill on innovation.

So, a few months later, some of these colleagues argued that in order to raise the debt ceiling, the 60-vote rule has to go. Then, with bipartisan cooperation, the Senate raised the debt ceiling.

So now, the Democrats' latest rationalization is that their partisan new election law must be passed. But Democrats have filed these voting bills numerous times over numerous years, always without seeking Republican in-

volvement in drafting them. Anytime legislation is crafted and sponsored exclusively by one party, it is obviously an unserious, partisan effort.

Let me note two more truths. The country is sharply divided right now. Despite the truth spoken by a number of good people in my party, most Republicans believe Donald Trump's lie that the 2020 election was fraudulent, stolen by Democrats. That is almost half the country.

Can you imagine the anger that would be ignited if they see Democrats alone rewrite, with no Republican involvement whatsoever, the voting laws of the country? If you want to see division and anger, the Democrats are heading down the right road.

There is also a reasonable chance Republicans will win both Houses in Congress and that Donald Trump himself could once again be elected President in 2024. Have Democrats thought what it would mean for them for the Democrat minority to have no power whatsoever?

And finally, Mr. President, I offer this thought: How absurd is it to claim that, to save democracy, a party that represents barely half the country must trample on the rules of our democracy's senior institution?

The PRESIDING OFFICER. The Senator from Rhode Island.

U.S. SUPREME COURT

Mr. WHITEHOUSE. Mr. President, with my distinguished colleague from Utah here, I would just—before I get to my remarks—suggest that there may be an exception to his rule that when a piece of legislation is only sponsored by Members of one party it can't be serious legislation; and, in my view, that would include climate legislation, where it has been extremely hard to get Republicans to cosponsor any serious climate bill. And I think that has nothing to do with the seriousness of the legislation and everything to do with the influence of the fossil fuel industry.

But that said, Mr. President, I am here to speak for the 11th time in my series discussing the scheme through which a bunch of big, anonymous donors captured our Supreme Court.

Today, I am going to talk about the Biden Supreme Court commission, which could have done a useful, even authoritative investigation of the scheme and all its terrible effects at the Court but which, regrettably, ended up as an exercise in ineffectual time-killing.

I have laid out the scheme in detail in earlier speeches in this series. In a nutshell, there is a very well-studied phenomenon of regulatory capture, sometimes called agency capture, through which big industries try to capture and control the regulatory agencies that are supposed to be policing them.

Well, in the same way, big, rightwing donor interests set out to capture the Supreme Court. And they did it. It worked. Now, the Court's 6-to-3, big-

donor-chosen supermajority is delivering massive wins for those donor interests, and the American people can smell what Justice Sotomayor aptly characterized as the "stench" of a captured Court.

The problems of the Court are real, and they demand action. Enter the Court commission. Charged with thinking through solutions to the Court's many problems, the commission was perfectly positioned to report on the scheme and offer a blueprint for restoring the Court. But its final findings, released last month, offered instead what I have called faculty-lounge pabulum.

Sure, yes, they gestured toward the need for a code of ethics for the Justices, which makes sense because Supreme Court Justices have the lowest ethics standard of any top Federal official. But pointing that out is a little bit like pointing out a flat tire on a totaled car.

Consider the facts the commission ignored: A private, partisan, anonymously funded organization—the Federalist Society—handpicked the last three Supreme Court Justices. President Trump and his White House counsel admitted they had "in-sourced"—their word—the Federalist Society to the White House to choose their nominees.

Senator Hatch, our former colleague, former chairman of the Judiciary, was asked if this role was outsourced to the Federalist Society, and he said, "Damn right."

No other democracy in the world has had such a ridiculous system for selecting Judges. That is bad. It gets worse. Anonymous donations helped rightwing front groups mount a \$400 million push to capture and control the Court with zero transparency into who gave the money or—more importantly—what matters they had before the Court whose Justices they were installing. That is disgraceful. And trust me, nobody spends \$400 million without a motive.

There is more. Orchestrated flotillas of amici curiae, so-called friends of the court, funded by dark money, instruct the Court which way to rule, and they score virtually perfect success with the Republican appointees whom dark money ushered onto the Court.

The Court has even allowed peculiar fast lanes for dark money groups to speed cases to the Court for Justices to decide favored, politically helpful cases. In some cases, the Justices even invited the case to be rushed to the Court.

And this mess culminates in a notable, troubling statistical record. The Roberts Court delivered more than 80—80—partisan 5-to-4 decisions benefiting big Republican donor interests. The record in that category of decisions was 80 to 0, and that is before the Court's new 6-3, donor-chosen supermajority.

That is a lot for the Commission to leave out. The Commissioners can't claim they did not have fair notice.

Several of us wrote to the Commission to point out the scheme's telltale footprints. The Commission even received testimony about another pernicious issue: the Court's reliance on fake facts supplied by dark money amici curiae, especially in politically important cases for the rightwing donors like Shelby County and Citizens United. Somehow, none of this made it into the Commission's discussion.

Ducking all these facts was no small feat. As the Presiding Officer knows, one of the first exercises that law professors give their first-year law students is called issue spotting. You get a case, and you are asked to go through it and list all the potential issues it raises, spot the issues. Well, these issues all sat in plain view before the Commission. Yet the Commission flunked the rudimentary law school test of issue spotting.

Now, part of the problem was conflict of interest. Many members of this Commission argue before the Court and need its good will for their bread and butter. Others are law professors eager to plant their students in prestigious Supreme Court clerkships. For many members, rocking the boat could have unhappy consequences.

Clearly, though, some Commission members tried and failed to get these issues considered. Two members—retired Federal Judge Nancy Gertner from the Presiding Officer's home State and Harvard Law School's Laurence Tribe—had an op-ed ready for print the day the report was released. They called for a serious overhaul of the Court due to what they called “the dubious legitimacy of the way some Justices were appointed,” due to that stench of bipartisanship Justice Sotomayor has observed, and due to what they called the “anti-egalitarian direction” of the Court's political decisions on voting rights and dark money.”

Judge Gertner and Professor Tribe wrote:

Though fellow commissioners and others have voiced concern about the impact that a report implicitly criticizing the Supreme Court might have on judicial independence and thus judicial legitimacy, we do not share that concern. Far worse are the dangers that flow from ignoring the court's real problems—of pretending conditions have not changed; of insisting improper efforts to manipulate the court's membership have not taken place; of looking the other way when the court seeks to undo decades of precedent relied on by half the population to shape their lives just because, given the new majority, it has the votes.

Judge Gertner and Professor Tribe rightly warned that we can't afford more decisions like Shelby County and Citizens United, which would put the Court on what they called a “one-way trip from a defective but still hopeful democracy toward a system in which the few corruptly govern the many, something between autocracy and oligarchy.”

Think about that. People distinguished enough to be appointed to this

Commission by the President feel that this Court is on a one-way trip from America being a defective but still hopeful democracy toward a system in which the few corruptly govern the many.

They concluded by saying this:

Instead of serving as a guardrail against going over that cliff, our Supreme Court has become an all-too-willing accomplice—

Accomplice—

in that disaster.

All of that was kept out of the report.

The fact is evident that dark money political forces had a controlling and anonymous role in the makeup of the present Court. You can't dispute that. It is not surprising that the donor interests who accomplished that should want their due. As I said, you don't spend \$400 million on this scheme for nothing.

Just a few days before the Commission unveiled the final draft of its report and right after oral arguments in the big abortion cases that are pending before the Court, there was a telling incident. FOX News host Laura Ingraham lost her cool, and she said on plain television the quiet part out loud. Here is what she said:

We have six Republican appointees on this court, after all the money that has been raised, the Federalist Society, all these big fat cat dinners—I'm sorry, I'm pissed about this—

Excuse me for that language, but it is a direct quote—

if this court with six justices cannot do the right thing here . . . then I think it's time to do what Robert Bork said we should do, which is to circumscribe the jurisdiction of this court and if they want to blow it up, then that's the way to change things finally.

Let's deconstruct that little outburst for a second.

First, it basically admits to the scheme: “all the money that has been raised”—that is the \$400 million I talked about; “the Federalist Society”—that is the big donor-controlled turnstile for rightwing advancement to the Supreme Court; and “all these big fat cat dinners”—wow. I would love to know more about that. We do know that Justices have taken undisclosed vacations in the company of people with interests before the Court, so what is a little “big fat cat dinner” among friends, huh?

Second, that little outburst is a flat-out threat to the Court: Decide the big abortion cases the way we want, the six of you, or we “circumscribe the jurisdiction of this court”; “blow it up”; “change things finally.”

There is a particularly thin-skinned Federalist Society Justice who has been giving speeches condemning an imaginary threat I supposedly made to “bully” the Court in a brief maybe read by a couple of hundred people. It didn't actually happen that way, but never mind. Like I said, he is particularly thin-skinned.

But now here comes this plain threat: “circumscribe the jurisdiction

of this court”; “blow it up”; “change things finally” if we don't get the outcome we deserve after all of our money spent through the Federalist Society.

So I am waiting to see what reaction from this Justice there is when this real threat comes, but from the rightwing FOX News channel. The FOX News outburst was particularly rash and indiscreet, but the Republican Justices get marching orders like this all the time at the fat-cat dinners, on junkets with the rightwing donor class, and from the orchestrated flotillas of dark money amici curiae that encircle the Court for big cases launched by the big donors.

The Justices are constantly reminded of who propelled them to the Court and what they are supposed to deliver. And the truth is, the record reveals, the statistics make plain the Republican Justices do deliver over and over and over again—more than 80 partisan wins for scheme donors in those 5-to-4—and now we can expect 6-to-3—partisan decisions.

So the Biden Court Commission missed its moment. It ducked all of this. So on we must go through the stench of partisan capture of the Court, and on I will go exposing the scheme that did it.

To be continued.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. PETERS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FILIBUSTER

Ms. MURKOWSKI. Mr. President, there has been a lot of discussion on the floor, certainly today and the days leading up to this, as we talk about the importance of protecting minority rights here in the Senate and the consequences of weakening the legislative filibuster to a 50-vote, majority-serving threshold. There is a lot to say, and there has been a lot said already.

I was here listening to the comments from my friend from Utah and have had an opportunity to hear much of what has been said throughout the course of the day. But I am here perhaps as the sole Senate Republican who will vote to begin debate on the John Lewis Voting Rights Advancement Act because I happen to believe that it is important that we focus on improving our election laws, but I also believe very, very strongly that the way to do that is through the regular order process. It might sound kind of boring, but that is actually how you get the good work, the enduring legislation done.

I am also here, I guess, as a senior Member of the Chamber now. I have been around for almost 20 years. I have spent time in both the majority and the minority. But I am also here because I care—I really care—about legislating. I understand what it takes to

work across the aisle to bring good policy into law.

One of the things that I can tell you from firsthand experience is, it is hard. It is hard work. It is hard work to bring people together, particularly on some of these challenging and difficult issues that we have.

When the problems are hard, that means usually the solutions are equally hard. But that is our job as legislators—to bring sides together, to find that common ground.

That is what legislating is all about. And so with all of that in mind, I tell you I believe that weakening the current 60-vote threshold would be a major mistake, a damaging mistake, especially in light of the already deep division that we have within our country today and within the divisions that we have represented in this body today.

So the nuclear option is reportedly coming our way to change the threshold for cloture on legislation—on legislation to 50 votes and to do this with just 50 votes. But I would suggest to you that this will do nothing to cure what actually ails the Senate, and, therefore, we should reject it.

I mentioned that the job that we have as legislators is to come together to knit the good ideas from one side to the other, to really build that consensus that will allow for enduring policy and enduring laws. Gutting the filibuster is not going to do anything to bring both sides together. It will not help bring the parties together. It will, unfortunately, just serve to push them further apart, split us further apart. It would not lead to better or consensus legislation.

It effectively allows the majority to do what it wants to do, when it wants to do it, how it wants to do it without the minority. It effectively allows you to ignore the views from the minority. This rule change would not restore us as the world's greatest deliberative body.

I know that there are those who would suggest that we are far, far from that, but I would suggest that if we do this, it really obliterates that reputation forever.

There has been a lot of talk about the differences between the House and the Senate. We are different. We were designed different. The Framers designed the Senate as an institution where the rights of individual Senators as well as minority groups of Senators are protected. They are highly protected. That is what our rules reflect.

And that is why—why we can hold forth, why an individual—one person—can register objections, why we can place holds and offer motions and filibuster legislation when we deem it necessary. And I know we don't like it when it is being used against us—we don't—because it slows things down. It is frustrating. But it is part of what has been built into our institution.

And some may say, well, it is obviously not working, it is obviously not functioning because I can't get my pri-

ority through. Perhaps we need to focus on how we are bringing people together to advance that priority.

This body, the Senate, was never meant to be the House of Representatives. Senator Robert Byrd, who served both as the majority and the minority leader—so I think he had pretty good perspective on things—he also reminded us about the saucer and the role that the House plays—excuse me, that the Senate plays.

The Senate is the proverbial saucer intended to cool the cup of coffee from the House. Nobody likes it, particularly the guys in the House. They don't like it when they say: Oh, you are so slow over here. But we were meant to be deliberative.

The more we become like the House, the less relevant, in my view, we are as an institution and the further we will have strayed from that balance, that careful balance that the Constitution envisions for our branch of government.

So we have been here before. As I was walking over, I was thinking this is like *deja vu* all over again. How many times have we had these battles over the filibuster? Should we exercise the nuclear option? Should we pull this trigger?

Well, back in 2017, I signed a letter, along with 60 other Members of this Chamber. There were 28 Republicans, 32 Democrats, 1 Independent. We came together as a pretty representative group of lawmakers, and we urged both Republican and Democratic leaders to preserve the 60-vote threshold for legislation—for legislation—because we knew where we had come from. The Republicans had used the nuclear option to eliminate the filibuster for Supreme Court nominees after the Democrats used it in 2013 for eliminating the filibuster for confirmation of the lower court and executive branch.

So it is kind of one of these where they did it, so it is OK for us to do it. Far be it for me to suggest that sometimes the analogies are like what we have when we have got the kids in the back of the car and somebody says: Well, he started it. And the other one says: No, well, then I get to do it. And my response is: Knock it off both of you.

Maybe we just need to have a detente here on whether or not we blow up the filibuster. Maybe we need to just step back from this and realize what it means to all of us because those of us who are in the minority today will one day be in the majority, and those who are in the majority today will one day be in the minority.

And so making sure that there is a balance, that it works, that minority rights are respected—this is why we are here today. I know that there are several Senators who signed that letter back in 2017 who are now seeing their words repeated against them. That has got to feel pretty uncomfortable. I don't want to be one of those who feels like I have to eat my words; that what

was good for me when I was in the minority is no longer good for me when I am in the majority or vice versa. It has to work both ways.

So when as Republicans in the majority we were urged mightily by former President Trump to get rid of the filibuster, I was one of those who said: No. No. We should not do that. And that is why my advice today to the majority is be careful, be careful what you wish for because you may look at this and say this may help advance the immediate legislative agenda—what they are talking about now is voting rights. You may be able to advance the immediate legislative agenda there, but the long-term effects might look pretty different.

And I think we have seen a little bit of a suggestion of what that could look like when you don't have the protections in order for the minority. So I think it is good for us to be having this open discussion. I think it is important that we be thinking about the practical effects of weakening the filibuster.

What will happen if it no longer protects the minority and instead only serves to benefit the majority? A 50-vote threshold would allow the majority to push through, to rush through legislation without consideration of the minority views. And keep in mind that we may be in the minority now, a 50-50 minority—pretty skinny minority—but a minority that is elected with support from major portions of the country.

Removing the filibuster would reduce the need for the parties to work together to reach the broad consensus on policy, again, that can endure across elections. And I think that is important for us to just stop and take account of because when you don't have legislation that is enduring, when you move legislation that is wholly partisan, what happens when the tables are turned? The new majority spends all of its time trying to undo what the old majority got passed on a wholly partisan basis.

Now we are not giving certainty to the Nation. We are not helping the economy move along. It is a whipsaw. It is policy whiplash. Who is going to be investing in policies if they just think that what was just passed into law is going to be undone in the next Congress?

We owe it to our constituents, we owe it to the country to give them some certainty with policy, and that comes about when you are working to build consensus.

Eliminating the filibuster would make primary elections into fealty tests, even more, even more than they already are, as each party sets its sights on candidates who are probably unlikely to act independently once in office. I mean, why bother? But, again, it would whipsaw—whipsaw—the country on policy. And as I think about the state of our economy right now, where we need to be investing in—we have got a great infrastructure bill that we are

all poised to try to advance, lots of good things coming for that—we don't want to be undermining investment in our ability to address major challenges if we are looking at a situation where, again, the new majority coming in, they just work to reverse the work of their predecessors.

These aren't good outcomes for a divided nation, and they only take us further from what should be our goal. We have got to be focused. We have got to be focused on finding more ways to work together. And we have got good examples. We had an energy bill that we advanced in 2020, a good bill. We had been working on that for a long time, but it was a very bipartisan product.

I mentioned our bipartisan infrastructure bill. We have the CARES Act as another example. So many measures have shown us that this is absolutely possible.

As part of that, when we consider changing the rules, we need to focus on incentivizing bipartisanship, pushing Members to reach across the aisle, not making it less of a priority. Let's think about how we do that in a positive sense, how we are pushing one another to work to build things rather than dividing one another and just throwing things at one another.

I will vote against any motion to weaken the filibuster or create carve-outs within it. Legislation and legislating in and of itself, as I mentioned at the outset, it is not supposed to be easy. We don't have that red "easy" button on our desk here. It is deliberately hard.

But as I learned from somebody a couple weeks ago, I don't want to come to talk about the problems without offering up some solutions at the same time. I do have some suggestions for how we could perhaps move forward on voting rights legislation, potential changes to our rules. So for voting rights, the Senate doesn't need to change its rules here; the majority needs to change its approach.

You have me—basically me alone at this point—willing to debate one of the measures that was written. It was written on a partisan basis, but I did my homework. I looked at it. I weighed in. I worked with colleagues on the other side of the aisle and made some good, solid suggestions. I think we have had some good dialogue there. I think it is important. I want to reach a compromise on it. I think that that would be important, but I have acknowledged that there needs to be some changes that would need to be made to that, and I have worked to suggest it.

But what that does for right here right now is it makes it abundantly clear that we don't have agreement right now on voting rights legislation, so it is no wonder that the legislation is being blocked.

Partisan bills don't suddenly become bipartisan just because they have hit the floor. So instead of looking for ways around consensus, we have got to go back; we have got to actually start building it.

So let's take this back. Let's take it to the committee process. Let's look for areas of agreement, like some suggestion has been out in the past couple weeks here, reforming the Electoral Count Act. I don't know how far that can take us, but when something like this is put on the table, let's take a look at this.

Let's work through some of these proposals rather than just summarily dismissing it out of hand. Let's take that time, put in the effort, build a product that can pass and hopefully by more than just the smallest of margins. We did that before with Voting Rights Act historically. We have demonstrated that it can be done.

As far as rule changes, I agree we should be having the debate. But how we do the debate, I think, is also important. We want to have a thoughtful discussion. Both sides need to be involved. Any Member who wants to participate should be doing so.

But these discussions need to focus on the problem, and the problem is that there is not enough consensus building across parties. That is what we need to be focusing on, rather than focusing on eliminating the need for it altogether.

So instead of targeting the filibuster, one of the things that I have suggested to several folks is the development of a consensus calendar. Now, I am not saying it is going to solve everything, but if you have strong, bipartisan bills that have made it through the process, they have demonstrated that good, strong show of support, there ought to be a way that we can move things through on an expedited process, an expedited consideration.

There has also been a lot of talk about eliminating the filibuster on the motion to proceed.

So these are areas where, again, I think you have had thoughtful people willing to sit down and say: Can we reform our processes around here? Can we be more efficient? Can we still be that cooling saucer, that deliberative body, but be more efficient?

I would argue that no rules changes should take effect this year. Whatever we can agree to, let's set the effective date of January of 2023. Make these decisions based on what any majority in any year should have to govern.

We need to make sure that if we are changing the rules, we do it for the right reason. We do it because it is the right thing to do for the Senate, no matter who is in charge. And I think that is just a matter of fairness there.

We all know that filibusters can be so very, very frustrating, and those in the majority feel it directly. I know of which I speak. I have been there. It can be agonizing. It is like you are up against a brick wall.

As I mentioned, when we were advancing my energy bill several years back, I can't tell you how many times I felt like I had the rug pulled out from underneath us. But it was a good legislative product, and so we didn't give

up. We kept working at it. And, in fairness, I think we actually worked to improve the legislation.

As difficult as it might have been, it was through that process that we were able to come to some terms on HFCs, probably as significant an effort that we have made when it comes to reducing emissions, and that came about as a result of that very deliberative process that you wanted to pull your hair out over, but it actually worked to advance that legislation.

But I think what happens is this forces us, as Members, to work together and to remember we can overcome these. And in these partisan times, they prevent the majority from simply running over the minority, which only serves to worsen our political divide.

The 60-vote threshold for legislation requires consensus to be part of the legislative strategy. Changing it to 50 votes to serve the narrowest possible majority will lose that essential benefit; it will have lasting consequences for the Senate and for the people that we serve.

So I absolutely think that we can do better than this, better approaches for both voting rights legislation and rules changes. They are available to us. We just have to work. Neither side is going to get everything that it wants out of them, but I absolutely believe that we will be better served, our country will be better served if we have a bipartisan path working together.

With that, I yield the floor.

THE PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I come to the floor to congratulate and commend the remarks by the senior Senator from Alaska. She certainly knows from whence she speaks.

I remember so well the discussion that she just mentioned with regard to the energy bill and HRCs and the effort for a cleaner environment, and it was through the process that we were able to come up with legislation that we believe—all believe—was a better result for the Nation and for the environment.

It took longer than any of us wish it would have taken, but it was through that process. And had we been in a situation without the ability to filibuster, we would have never gotten to such a good result because a 50-50 Senate is—basically it is a mandate to move to the middle.

So I commend the senior Senator from Alaska. She knows from whence she speaks. She is very high up in seniority in the institution. She has institutional memory, more than many, many Members of this body, and when she says what goes around comes around and the shoe is, at another time, on the opposite foot, she knows what the implications of those are and why what the Democrats are proposing now is in the wrong direction for the country.

So I believe it is misguided, and I concur with her comments.

NORD STREAM 2

Mr. President, I come to the floor today on another matter, and that is to support sanctions on Vladimir Putin and his Nord Stream 2 pipeline.

This body will be voting on that very issue in the next day or so, and I am urging my colleagues to support S. 3436, which is known as Protecting Europe's Energy Security Implementation Act.

Let me just explain why this is so important. And it is important because right now, Vladimir Putin has mobilized close to 100,000 troops near the border with Ukraine. They are nearly encircling the country of Ukraine. Our intelligence community has warned of a potential Russian invasion of Ukraine in the next month or so.

So why is this happening? Well, Vladimir Putin has always wanted to control and dominate Ukraine. This is nothing new. He invaded in 2014. He illegally annexed Crimea and continues to occupy Crimea today. Now, he wants more, and he is now also flush with cash. With Joe Biden in the White House and the Democrat energy policies, Vladimir Putin has hit the energy financial jackpot.

You don't have to take my word for it; take it from the Biden administration. Joe Biden's Under Secretary of State for Political Affairs is one of his top Russia experts for our own State Department. She has spent her entire career working on issues related to Russia, Ukraine, and Europe.

Well, in December, she testified before the Foreign Relations Committee. She testified about increasing Russian aggression on the Ukraine border. She said, "Energy is the cash cow that enables these kinds of military deployments."

She said Vladimir Putin "needs the energy to flow as much as the consumers need" it to flow.

But why is that? Well, it is because of Russian energy that Putin is able to pursue these dangerous military ambitions.

The late Senator John McCain, with whom I have traveled on several occasions to Ukraine, used to say, "Russia is a Mafia-run gas company disguised as a country."

Energy is the only successful sector of the Russian economy. Natural gas is what is propping up the Russian military and the entire Putin regime. Vladimir Putin uses energy as a geopolitical weapon, and he knows how to use it.

He uses energy to coerce and to manipulate our allies and our partners in Europe. If they don't do something that Putin wants or they do something that he doesn't like, he can turn off the power and turn off the heat. We just saw an example of this in November, when Russia threatened to cut off gas flows to the small and neighboring country of Moldova. Moldova had to declare a state of emergency.

Well, under Joe Biden's energy policies, Europe will soon be in a state of

energy emergency as well. It is because Europe already gets almost half of its gas imports from Russia. With the Nord Stream 2 pipeline from Russia to Germany, the imports will only need to go up, and they will go up.

Under Secretary Victoria Nuland told the Senate Foreign Relations Committee, "We have been counseling Europe for almost a decade now to reduce its dependence on Russian energy."

A decade. A decade includes the administrations of both President Trump and President Obama. Yet Joe Biden has done everything he can to cripple American energy production.

What happens with that? Well, it makes our allies more dependent on Russia for energy. It gives more power to Putin.

Under Joe Biden, American energy production hasn't really recovered yet to the 2019 levels. This is a direct result of the anti-American energy policies of this White House.

On his first day in office, Joe Biden killed the Keystone XL pipeline. He then blocked new oil and gas leases on Federal lands. We are now producing 1.4 million fewer barrels of oil each day than we were before the pandemic.

We are, in the U.S., now, using more oil imported from Russia than we are using oil from our own home State of Alaska. It is a national disgrace to be dependent more upon Russia for oil than we are from our neighboring State of Alaska.

Joe Biden's National Security Advisor even pleaded with Russia to produce more oil—hard to believe, hard to believe that the National Security Advisor for Joe Biden in the White House would plead with Russia to produce more oil.

Well, the administration actually put the Russian energy request on the White House website. Joe Biden would rather have America buy energy from our enemies than sell energy to our friends.

Joe Biden would rather have European nations dependent on Russian energy than increase American energy production and exports from home here to our allies. It is completely backwards.

Under Joe Biden, American energy production is down and energy prices, as any consumer knows, is way up. American families are caught paying the price for these policies of the Democrats and the Biden administration.

In November, we saw the biggest energy price increase in 10 years. CNBC reports that one in five American families can't afford to pay an energy bill this year. Roughly the same percentage have kept their home at an unhealthy low temperature because they can't afford the cost to heat their home. People who traveled for Christmas just faced some of the highest Christmas Day gasoline prices in history. American families are getting squeezed, and Putin is getting rich.

Joe Biden is against American pipelines, but in May, he gave a green light to Vladimir Putin's pipeline between Russia and Germany. This is a betrayal of American energy workers. It is a betrayal of America's allies in Europe.

If the Nord Stream 2 pipeline is completed, it will double the amount of Russian natural gas flowing into Germany. Putin will be able to manipulate the price and the availability of energy to European nations in the middle of winter. He will be able to hold half of Europe hostage.

Stopping this pipeline should be an area of bipartisan agreement in this body. In fact, it was an area of bipartisan agreement until Joe Biden became President. Even Joe Biden said that he was against the pipeline—well, until he was for it.

Many Democrats voted for the sanctions against the pipeline on more than one occasion, but when Joe Biden flipped, so did they.

Senate Democrats now are running interference for Joe Biden. But Democrats just spent 4 years talking about Russia, Russia, Russia—obsessed with Russia. They spent 4 years going on TV, spreading conspiracy theories, all of which were false.

Yet now, the Democrat caucus is attempting to protect the Kremlin's greatest geopolitical weapon.

For the Democratic Party, this is a return to tradition. Democrats were soft on Russia during the Cold War, soft on Russia under the Obama administration. Hillary Clinton gave the Russians a great big reset button. President Obama was caught in a hot-microphone moment telling the Russian President at the time that he would have more flexibility: Tell Vladimir I will have more flexibility after I am re-elected.

Democrats talk tough—they did under the last administration, that is. But now we are back to the old Democratic playbook. This is the kind of Washington, DC, partisanship the American people hate—the same thing Democrats did with Iran when Barack Obama was in the White House.

An American President must always negotiate from a position of strength. Democrats tend to think if you give Putin or the Ayatollah something they demand, that they will then play nice. That is not how the real world works. Vladimir Putin is cunning, he is opportunistic, and he is aggressive. He sees an opportunity, and he takes it. He can smell weakness. He respects strength, not statements.

The Nord Stream 2 Pipeline from Russia to Germany will be an enormous transfer of wealth from our allies to our enemy. It will make our allies weaker, and, of course, it will make Vladimir Putin stronger. When Putin gets stronger, he gets even more aggressive.

History should not be kind to those who gifted Putin a pipeline, pointed like a gun into the heart of Europe.

This vote to support sanctions on the Nord Stream 2 Pipeline is our chance

to undo a great mistake, and it may also be our chance to prevent an even greater mistake.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

RECOGNIZING THE NDSU 2022 NCAA DIVISION II CHAMPIONSHIP TITLE

Mr. HOEVEN. Mr. President, I rise today to honor the 2022 Football Championship Subdivision national champions, the North Dakota State University Bison.

This past weekend, North Dakotans once again filled Toyota Stadium in Frisco, TX, where the NDSU Bison seized their 17th NCAA championship, earning victory over the Montana State University Bobcats by a score of 38 to 10.

I had the opportunity to join Bison Nation in Frisco to cheer on the team, and, as always, the fans created an overwhelming atmosphere of support and team spirit.

At the same time, the Bobcats should come away from the game with pride, having capped off a successful season. The Bison have now won 9 of the past 11 FCS championships—an achievement that goes unmatched in modern collegiate football history.

Further, this victory followed a strong season for the Bison, where they had a 14-win and 1-loss record—a continuation of a decades' worth of excellence and skill. Since 2011, the NDSU Bison have had 149 wins to only 12 losses, which includes a streak of 39 consecutive wins. Such a record stands as a testament to the hard work and dedication of the players and staff, including Head Coach Matt Entz.

Accordingly, I am joining with my colleague Senator CRAMER to introduce a resolution honoring the NDSU Bison's achievements. We congratulate all of the players, coaches, and university leadership, including Athletic Director Matt Larsen, NDSU President Dean Bresciani, and others, on building this tremendously successful program. We recognize the important support of Bison Nation, which helps drive this team to victory year after year.

The NDSU Bison are the pride of North Dakota. Their accomplishments, character, and work ethic represent the very best of our State. We say congratulations again to the national champions, and, as always, we say: Go Bison.

I ask unanimous consent to have the resolution printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RESOLUTION

Congratulating the North Dakota State University Bison football team for winning the 2022 National Collegiate Athletic Association Division I Football Championship Subdivision title.

Whereas, the North Dakota State University (referred to in this preamble as "NDSU") Bison football team won the 2022 National Collegiate Athletic Association (referred to in this preamble as the "NCAA") Division I Football Championship Subdivision

(referred to in this preamble as the "FCS") title game in Frisco, TX, on January 8, 2022, in a well-fought victory over the Montana State University Bobcats by a score of 38 to 10;

Whereas, including the 2022 NCAA Division I FCS title, the NDSU Bison football team has won 17 national football championships;

Whereas, the NDSU Bison football team has won 9 of the last 11 NCAA Division I FCS titles, an achievement that continues to be unmatched in modern collegiate football history;

Whereas, the NDSU Bison have displayed tremendous resilience and skill since 2011, with 149 wins to only 12 losses, including a streak of 39 consecutive wins;

Whereas, head coach Matt Entz and his staff led the NDSU Bison football team to a dominant season and a second championship in his 3 years as head coach at NDSU, continuing the NDSU Bison football program's culture of excellence;

Whereas, thousands of Bison fans once again attended the championship game in Frisco, TX, reflecting the tremendous pride and dedication of Bison Nation, which has supported and helped drive the achievement of the NDSU Bison football team; and

Whereas, the 2022 NCAA Division I FCS title was a victory for both the NDSU Bison football team and the entire State of North Dakota: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the North Dakota State University Bison football team for winning the 2022 National Collegiate Athletic Association Division I FCS title;

(2) commends the players, coaches, and staff of the North Dakota State University Bison football team for—

(A) their tireless work and dedication; and
(B) fostering a continued tradition of excellence;

(3) congratulates North Dakota State University President Dean Bresciani, North Dakota State University Athletic Director Matt Larsen, and all the faculty and staff of North Dakota State University for creating an environment that emphasizes excellence in both academics and athletics; and

(4) recognizes the students, alumni, fans, and all of Bison Nation for supporting the North Dakota State University Bison football team so well during its successful quest to bring home yet another NCAA Division I FCS trophy for North Dakota State University.

Mr. HOEVEN. Mr. President, before I turn to my colleague Senator CRAMER, I want to mention that I was at the national championship game. It was just fantastic.

As I say, Bison Nation, which is all our Bison fans from North Dakota and across the country, and the coaches, the staff, President Bresciani, and, of course, these great student athletes who had such a wonderful game—it was a great show. They turned out in force in Frisco, TX. We are starting to call Frisco Fargo South, which is actually the name of one of the high schools up in Fargo, which is kind of fun. But our fans travelled down there so well, filled the stadium, and they did once again. It was just a wonderful atmosphere. It was on national television, so they performed on a national stage, and people from across the country got to watch a wonderful game.

But leading up to that game, in the semifinals, they played James Madison University, which has a tremendous

football program as well. That was on a Friday night, and it was the Friday night where we were last here several weeks ago voting until about 2 o'clock in the morning.

The reason I bring up the story is because we must have had—you were there, Mr. President—we must have had like north of 20 votes at least. So we started early in the evening and went until 2 in the morning or thereabouts.

But the semifinal game between the North Dakota State University Bison and the James Madison Dukes was on television that Friday evening, so between votes, we were going into the cloakroom, and we had it on television there. So between votes, all the Senators—at least in the Republican cloakroom—we had it on, and we were watching the game.

It was a lot of fun and helped, you know, with the long evening, but it really demonstrated how this program has done so much in terms of for the State and NDSU and really providing an awareness nationwide of these great student athletes we have, because all of our colleagues got to see them, and they commented on not just the caliber of the football that our team played—it was a hard-fought game. James Madison has a wonderful program as well; again, really just a class operation. So the Bison won in a hard-fought game.

But the other thing that was fun—we have a dome. We call it the Bison Dome. Go figure. And remember that Bison is B-I-S-O-N, but it is a Z, not an S, when you say it properly. But they showed all the fans having fun and the noise in the dome, which makes it so hard to come up and play North Dakota State on our home field in our dome. Everybody, of course, is dressed in green and gold. But what an incredible sports atmosphere.

For anyone who likes collegiate athletics, this is one of the most iconic, greatest venues in the country. Again, it is Bison Nation. It is the fans. It is everybody—the coaching staff, President Bresciani, his whole team, the staff and faculty, and, of course, most of all, the student athletes.

I know the Presiding Officer, coming from Michigan, knows what great sports teams are all about.

Their commitment, their hard work, their passion, their support of Bison Nation—all these things just make it a joyous and wonderful thing.

I can't say enough about these young people, the commitment they made and the hard work that they do. Many of them may actually end up in the professional ranks. So they are playing at an extremely high level. They are just wonderful young people, and I can't say enough great things about them.

Once again, now 9 out of the last 11 years, national champs—again, congratulations and go, Bison.

With that, I would like to turn to my colleague Senator CRAMER.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. CRAMER. Mr. President, I thank Senator HOEVEN. I just want to fully associate myself with every word of Senator HOEVEN and every thought you just heard. JOHN HOEVEN is not just a Senator who represents the State that the Bison play in; he is a fan. To say the least, he is a fan.

Senator HOEVEN did a great job, as have ESPN and everybody else, in highlighting the legacy of the Bison Nation. There has been 9 out of 11 national championships.

One of the things I really appreciate about Coach Matt Entz—who, by the way, was named this year again the FCS Coach of the Year. That is the second FCS National Coach of the Year in the last 3 years. He has been the coach for 3 years.

But, as he likes to point out, while it is, in fact, the ninth national championship in 11 seasons for the Bison, it is the first one for this team—a fact that we sometimes forget. Excellence over time requires one excellent team after another. So I want to focus just a little bit not so much on the legacy but on this particular team.

Remember, as Senator HOEVEN said, they beat the Bobcats 38 to 10. It became 38 to 10 after they had been ahead 35 to 0. That is not a minor thing in collegiate football. But the 38-to-10 victory tied with the fourth largest margin of victory in FCS championship game history. After that is NDSU's 28-point victory over Towson to cap the 2013 season. It was the fourth time NDSU has won the FCS championship by 26 or more points.

North Dakota State's 108 rushing yards in the first quarter and 160 in the second quarter marked the third and fourth times in the 2021 FCS playoffs that the Bison ran for 100 yards in a quarter. Imagine that. Twice they did it in the same game—103 in the first quarter and 116 in the second quarter of NDSU's second-round win over Southern Illinois.

Now, NDSU's 28-to-0 halftime lead was the largest halftime margin in FCS championship history, passing the 24-to-0 Bison lead over Jacksonville State in 2015. In other words, this team, this one team, is excellent among excellence. They had 378 yards rushing and 540 yards of total offense. That was the most by the Bison in FCS championship game history, surpassing a 300-yard rushing performance against Sam Houston State in 2012 and 488 total yards against Eastern Washington in the 2018 season.

We have to talk a little bit about fullback Hunter Luepke, who was voted the Most Outstanding Player of the championship game. He tied a career-high with three rushing touchdowns—the first three of the game, one shy of the FCS championship game record of four rushing touchdowns by Furman's John Bagwell in 1985.

This team, this one excellent team out of dozens of excellent teams over

the years, and this one excellent player obviously stand out, along with their one excellent coach, as I said earlier, Matt Entz, the FCS National Coach of the Year.

I love that Senator HOEVEN consistently refers to these players as student athletes because, remember, before they are football players, they are students, and I think it is worth noting what exceptional students they are.

NDSU's Cole Wisniewski was the winner of the NCAA Elite 90 Award. The Elite 90 is presented to the student athlete with the highest cumulative grade point average participating at the finals site for each of the NCAA's championships. But he is one among many. Five student athletes were named to the football all-academic team. NDSU linebacker Jackson Hankey headlines this group of five student athletes named to the Missouri Valley Football Conference All-Academic Team on December 14.

I think it is important to highlight and be specific about these guys. Hankey is a senior from Park River, ND. John and I know Park River. It is a pretty small place. He has an undergraduate degree not in underwater basket weaving and not even in physical education, although there is nothing wrong with that, but, rather, in agricultural economics. He was selected to the first team with a 3.636 grade point average.

Here are the other four besides him: Hunter Luepke, the outstanding player of the game, has a 3.42 GPA in finance. Sophomore defensive tackle Eli Mostaert has a 3.733 GPA in finance. Kicker Jake Reinholz has a 4.00 GPA in the master's degree program in mechanical engineering. The senior defensive tackle, Lane Tucker, has a 3.857 GPA in the MBA program. Great athletes are smart athletes. Great athletes are smart athletes.

All right. To continue that, this is a tribute. Well, while they take the stage on ESPN and on game day and the various programs, it is important to point out that North Dakota State University's athletic teams achieved a remarkable—remarkable—semester last fall with a 3.418 grade point average among all 427 student athletes. Three Bison teams earned the highest ever GPA. The statistics are incredible. They are incredible in terms of academic achievements of these outstanding athletes throughout all of the sports at North Dakota State University, not just football. But they definitely lead the charts.

So, to wrap up, in talking again a little bit about the dynasty, one of my favorite quotes—and I refer to it a lot; I use it a lot when I talk about Bison football—is Aristotle, who said:

We are what we repeatedly do. Excellence, [therefore], is not an act, but a habit.

It is not an act. It is a habit.

There are 9 out of 11 national championships in the FCS alone. Before that, as Division II, they won several national championships. They never

lost a national championship. In other words, they repeatedly win national championships. That makes winning habitual. It is habitual.

They made their ninth appearance, as I said, in the championship game—the most of any FCS team. They won them all, as we know. They now have 17 football national championships in history. They won their last 13 title game appearances. I mean, it is kind of remarkable. They improved to 41 and 3—imagine this, Senator HOEVEN—41 and 3 in FCS playoffs since 2010.

We are what we repeatedly do. Excellence, then, is not an act but a habit.

I, as well, salute Dean Bresciani, the president; Matt Entz, the head coach; the entire coaching staff; the entire faculty; every student athlete; and every parent who got these student athletes to college.

It is just a remarkable thing to be able to represent this level of excellence, and I join Senator HOEVEN in saying: "Horns up! Go Bison! Go Bison!"

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Mr. President, I thank Senator CRAMER for his comments and wonderful commentary on these great student athletes, but there is one other point I want to make that goes to the excellence of this program.

In the last national championship they won, the quarterback was a wonderful player by the name of Trey Lance. He played for 1 year as a redshirt freshman. So he easily could have been playing this year, which would have been probably his sophomore or, maybe, junior year. It is a little hard to say with the COVID spring season, but I think it would have been his sophomore year.

The reason he wasn't able to quarterback the team is that he was quarterbacking the San Francisco 49ers to a win in the NFL. So they bring in another redshirt freshman quarterback who platoons with some other players, who is another wonderful quarterback, Cam Miller. So they win it with another player.

Again, it just shows, even as they lose some of these players—sometimes in the transfer portal and sometimes to the NFL, as Senator CRAMER said—they keep bringing in just excellent athletes, and he mentioned a number of them. It is not just that they are excellent athletes; they are student athletes. Again, that goes to the quality and the character of the program.

So we commend all of them—Senator CRAMER, thanks for joining me—and also with KELLY ARMSTRONG in the House in recognizing a wonderful group that truly deserves it—all the Bison nation.

Anything else from Senator CRAMER? All right.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. SULLIVAN. Mr. President, I want to congratulate the North Dakota

Senators, my colleagues, on the great job with their football team.

“Go Bison!”

Well done, North Dakota.

FILIBUSTER

Mr. President, I wanted to come down here, like many of my colleagues today, and talk about a really important topic, and that is the future of the filibuster and the issue of voting rights, both of which are very important to this country. We are going to be focused a lot—perhaps with some major votes, historic votes, in the U.S. Senate this week—on these topics.

There has been a lot of talk recently from my Democratic colleagues about actually getting rid of the filibuster. This, as many of my colleagues have mentioned, would be an action that would fundamentally transform this institution and this country.

The irony is that, until very recently, the vast majority of our colleagues here—Republicans and Democrats—were in agreement on this topic, in essence, of getting rid of the filibuster, which has been part of the U.S. Senate for decades—for centuries, in many aspects, if you look at our history. It would not be a wise move for the Senate. It would not be a wise move for America. This has been a longstanding bipartisan view.

Let me just give you a couple of quotes from some of my colleagues.

My colleague from Montana, Senator TESTER, just said last year:

I am a “no” on changing the filibuster. I am a “no.” The move to make the Senate like the House, I think, is a mistake.

My colleague from Delaware, Senator COONS, said in 2018:

I am committed to never voting to change the legislative filibuster.

That is what Senator COONS said.

My colleague from Illinois, Senator DURBIN, in 2018, also said:

I can tell you getting rid of the filibuster would be the end of the Senate as it was originally devised and created going back to our Founding Fathers. We have to acknowledge respect for the minority, and that is what the Senate tries to do in its composition and its procedure.

Wise words from Senator DURBIN.

Of course, there is a trove of quotes from the majority leader, Senator SCHUMER, who vehemently opposed getting rid of the filibuster in the past when he was in the minority. Let me highlight just a few of them.

Here is one he said in 2005:

Bottom line is very simple. The ideologues in the Senate want to turn what the Founding Fathers called the “cooling saucer of democracy” into the rubberstamp of dictatorship. We will not let them. They want to make this country into a banana republic.

Never one for subtlety, that is our majority leader right now.

Then he went on to say:

It would be doomsday for democracy.

Again, not too subtle there, the majority leader.

It would be doomsday for democracy if we get rid of the filibuster.

Here is another Senator who is very famous around the world and who became President, Barack Obama.

He said with regard to getting rid of the filibuster in 2005:

What they do not expect is for one party, be it Republican or Democrat, to change the rules in the middle of the game so that they can make all the decisions while the other party is told to sit down and keep quiet.

Since we are reaching back, let me quote the late Senator Robert Byrd of West Virginia on this issue.

Here he is in 2005:

The filibuster must go, they say. In my 53 years in Congress, I have never seen a matter that came before the Congress, before the Senate, or the House, as a matter of fact, that is so dangerous, so out of the mainstream, and so radical as this one. I pray that Senators will pause and reflect before ignoring that history and tradition in favor of the political priority of the moment.

That was Senator Byrd.

Of course, it is not just Senators. Here is what the organ of the Democratic Party, also known as the New York Times editorial board, said in 2004 about the filibuster:

Republicans see the filibuster as an annoying obstacle, but it is actually one of the checks and balances that the Founders, who worried greatly about the concentration of power, built into our system.

So this has been a view that has been widely held: Don't get rid of the filibuster.

Senator MANCHIN, in an op-ed recently, talking about how he would not, under no circumstances, vote to eliminate or weaken the filibuster, gave a really important reason why, which, as Alaska's Senator, I feel very strongly about. He noted in that piece that the current rules with regard to the filibuster and the 60-vote threshold guarantee that “rural and small States and the Americans who live in them always have a seat at the table in the U.S. Senate.”

Well, I think that that is enormously important. It is enormously important for Alaska, but it is enormously important for the Senate as a body, which was how we were designed by the Founding Fathers.

Now, you know, there are charges of hypocrisy that can be leveled at this institution and at the Members in it. Many times, there are examples of when Members of Congress say one thing when they are in power and have authority and they say another thing when they are out of power. But I will tell you, on this issue, that has not been the case for the Republican Senators here.

What do I mean?

In 2017, 61 U.S. Senators, in this letter, wrote the majority leader, then Senator MCCONNELL, and the minority leader, Senator SCHUMER—33 Republicans and 30 Democrats—saying, in essence, don't get rid of the filibuster. These were 30 Democrats, 4 years ago, who wrote this letter, saying don't get rid of the filibuster.

Now, that is when the Republicans were in the majority, and there was a Republican in the White House. There was pressure, I will tell you, on Republicans like there is now on Democrats,

from certain elements in the White House and other places, to get rid of the filibuster, and we didn't do it. We did not do it for all of the reasons that we have been discussing.

Yet I guess we are going to see a vote in the first time in history, I believe, in the U.S. Senate where the majority leader of the U.S. Senate is going to actually move forward to start getting rid of the filibuster. I am pretty sure that has never happened—the legislative filibuster—in the history of the United States of America. It is a big deal.

So, look, my Democratic colleagues are clearly cognizant of how vulnerable they look with regard to being hypocritical on the issue. As I mentioned, 31 of them, just 4 years ago, signed a letter, saying don't get rid of it when Republicans had power in the Senate and in the White House, and we didn't. But now, they are like, Hmm, we are going to flip-flop and say we should get rid of it.

The Presiding Officer may have seen that there are already these filibuster flip-flop cards. I won't name the Senators, but it shows them wearing flip-flops. The President is there, but it is already out there, right? This is a big, big flip-flop, not on some small issue but on one of the most fundamental issues in the U.S. Senate, and my colleagues know this.

So what is their response? What is their response?

In looking at their previous statements, like the Senate majority leader's, who has made a lot of statements—I have just read a few—in saying, you know, that it doesn't really matter, and I didn't really mean it, what is the argument? Well, here is the argument. Here is their argument. The Senate filibuster must be nuked because American democracy must be saved from Republican State legislators and Republican Members of Congress and their so-called Jim Crow 2.0 schemes. This is their new language. Everybody from the President to Majority Leader SCHUMER is using this talking point.

Just yesterday and today, the majority leader was going on about Republican Jim Crow 2.0 schemes and the need for Democrats to protect and defend American democracy, and Joe Biden—that unifier, that great unifier—uses the Jim Crow 2.0 charge against Republicans on a very regular basis. As a matter of fact, he just did it a few hours ago, again, down in Georgia today.

It is all historically inaccurate, and it is insulting to millions of Americans. Of course, they are stated with a smug, moral superiority, their arguments that voting rights laws—just listen to them, listen to them—in Democrat States are good and noble and are protecting American democracy while voting rights laws in Republican States are bad and even racist. Jim Crow 2.0 is their argument. Listen to the President. Listen to the majority leader.

They were making those arguments as recently as today. That is their argument as to why, after all of these years of saying don't get rid of the filibuster, they are saying now we have to get rid of the filibuster.

So here is the key question: Are these arguments accurate? Are their claims actually true?

Now, I do not assume to know the details of other States' voting laws, and here is the truth. You have had a lot of U.S. Senators in the last couple of weeks and couple of months—heck, even today—coming down to the Senate floor, claiming they know all about these other laws in other States on voting rights. They don't. Trust me. For those watching, they don't.

I don't claim to know the details of voting rights laws in other States. But here is what I do know. I know a lot about Alaska's laws, a lot about Alaska's voting laws. In fact, when I was attorney general, I was in the trenches, defending the right to vote for all Alaskans. I am proud to have that as part of my record.

I know a lot about Alaska's voting rights laws—a Republican State—and here are some very important and rather inconvenient truths and facts about my State's laws in three critical areas of voting rights: early in-person voting, automatic voter registration, and no-excuse absentee voting.

My Republican State, the great State of Alaska, has voting laws that are significantly more expansive than the laws of New York, than the laws of Delaware, than the laws of Connecticut, than the laws of Massachusetts and the laws of New Hampshire, just to name a few. That is a fact.

President Biden's speech today talked about facts. Well, these are facts. And I am going to talk a little bit more about these facts, but here is my point: Those States I just named—New York, Delaware, Connecticut, and Massachusetts—are those States Jim Crow 2.0 relative to Alaska? Well, by Joe Biden's reasoning, they are.

So I want to go a little bit more in detail on some of these issues I am talking about. These are important areas with regard to voting rights.

Let's start with early in-person voting: Alaska, 15 days; other States, less so; New Jersey, DC, 10 days, 7 days; New York, 10 days; Massachusetts, 11 days. They haven't met my State yet. That is OK.

Now look at Connecticut—no days. There is no early in-person voting at all. In New Hampshire, there is no early in-person voting at all. Why don't these States want people to vote early? Is it Jim Crow 2.0? Look, I wouldn't make that claim against those States, maligning their elected officials. I am sure they have their reasons. But, again, by President Biden's logic, they are.

Let me do another area of important voting rights laws: voter registration.

My State in essence has automatic voter registration—probably one of the

most forward-leaning of any State in the country. As I speak right here on the Senate floor, there is no automatic voter registration in Pennsylvania, in Minnesota, in Arizona, in New Hampshire, in Delaware—President Biden's State—or in Wisconsin. None. None. None of these States have automatic voter registration. Are these States Jim Crow 2.0 relative to Alaska, my Republican State? I wouldn't say that, but, again, by President Biden's logic, they are.

Let me give you one more, a pretty important one as well. This is the issue of no-excuse absentee voting. There are many other expansive provisions in Alaska's laws as it pertains to voting, but here is one that we think is important. If for some reason you can't make it down to the polling location and you want to vote absentee, you can. You don't need an excuse to vote absentee. We have been doing that for years and years and years.

Let's look at other States. In Delaware, you have to have an excuse. In New Hampshire, you have to have an excuse. Connecticut. Massachusetts. New York. By the way, all of the Senators from these States are down here. Jim Crow 2.0. Republican States. What about this issue? This is a really important issue. Are these States Jim Crow 2.0 relative to my State? Well, according to Joe Biden's logic, they are. I wouldn't make that claim.

Let me focus on New York, Connecticut, and Massachusetts for a little bit longer, on their laws—because I did look into this—and actually what does not constitute an excuse.

Again, in my State, there is no excuse. If you want to vote absentee, you can. In these States, you have to have an excuse. But here is the deal. In New York or Connecticut or Massachusetts, age is not an excuse. It is not an excuse. You can be 90 years old, 95 years old; fought in World War II; maybe it is hard for you to get to the polling place—nope, not in New York, not in Connecticut, not in Massachusetts. That is no excuse. Sorry, World War II veteran who can barely walk.

Let me give you another example of those States—actually, the States of New York, Delaware, Connecticut, Massachusetts, and New Hampshire. If you are a victim of stalking or domestic violence—you don't want to leave your home and go to a public polling place; you don't want your address on a public document—is that an excuse so you can get an absentee ballot? Nope. Nope. You must leave your home and go down to the polling place. That is not an excuse, domestic violence victim.

Let me remind the listeners. New York doesn't allow that as an excuse. The majority leader is from New York. Delaware doesn't allow that as an excuse. The President of the United States is from Delaware.

(Ms. HASSAN assumed the Chair.)

To me, these election laws seem particularly egregious, as egregious as any

of the examples offered by the other side about voting restrictions in other States that we have been hearing about, ones that are now shamelessly and ridiculously compared to Jim Crow 2.0 by our own President, the unifier. But here is the thing: I wouldn't tell New York that it must change its voting laws. I don't understand the people who live in New York who don't want to give a World War II veteran an excuse to vote absentee.

For that matter, New York actually doesn't want to change their own voting laws to be more expansive of voting rights like we are in Alaska. How do I know this? New York just had a statewide referendum to have same-day voter registration and no-excuse absentee voting like my State. Guess what. The people of New York voted against that. The people of New York had an opportunity to meet the level where we are in Alaska, a Republican State, and the people of New York rejected it.

I don't know what is going on in New York, why the good people there rejected these provisions, but it is going to be interesting. We will see if Leader SCHUMER is consistent and accuses his own constituents of supporting Jim Crow 2.0 as he has millions of his fellow Americans. Is he going to do that?

They just rejected what my State already has: no-excuse absentee voting. New York rejected it. Are the New Yorkers Jim Crow 2.0 relative to Alaska? I don't think so. There are reasons in their State, I am sure, that they would make for not doing what we do in Alaska. But, again, by President Biden's own logic, they are. I am confident the good people of New York have a reason.

But here is the thing, and it is a serious issue: The Jim Crow era, we know, was a horrible blight and stain on our country. Some of the most heinous laws were passed to prevent African Americans from voting. It was a horrible era. But it is remarkable how casually the President of the United States and the majority leader now throw out their Jim Crow 2.0 insult at Republicans, at Republican States. The President and the majority leader do this when their States don't even closely measure up to mine on critical voting rights issues and laws. It is pretty remarkable, pretty hypocritical.

But it is not just me making this argument. Here is an article from The Atlantic that came out recently entitled "The Blue States That Make It Hardest To Vote." Here is the subtitle: "Democrats are criticizing Republicans for pushing restrictive voting laws. But states such as Joe Biden's Delaware can make casting a ballot difficult."

I would I ask unanimous consent to have this printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From The Atlantic, April 15, 2021]

THE BLUE STATES THAT MAKE IT HARDEST TO VOTE

(By Russell Berman)

DEMOCRATS ARE CRITICIZING REPUBLICANS FOR PUSHING RESTRICTIVE VOTING LAWS. BUT STATES SUCH AS JOE BIDEN'S DELAWARE CAN MAKE CASTING A BALLOT DIFFICULT.

If President Joe Biden wants to vote by mail next year in Delaware, he'll have to provide a valid reason for why he can't make the two-hour drive from the White House back to his polling place in Wilmington. Luckily for him, Biden's line of work allows him to cast an absentee ballot: Being president counts as "public service" under state law. Most Delaware residents, however, won't have such a convenient excuse. Few states have more limited voting options than Delaware, a Democratic bastion that allowed little mail balloting before the pandemic hit.

Biden has assailed Georgia's new voting law as an atrocity akin to "Jim Crow in the 21st century for the impact it could have on Black citizens. But even once the GOP-passed measure takes effect, Georgia citizens will still have far more opportunities to vote before Election Day than their counterparts in the president's home state, where one in three residents is Black or Latino. To Republicans, Biden's criticism of the Georgia law smacks of hypocrisy. "They have a point," says Dwayne Bensing, a voting-rights advocate with Delaware's ACLU affiliate. "The state is playing catch-up in a lot of ways."

Delaware isn't an anomaly among Democratic strongholds, and its example presents the president's party with an uncomfortable reminder: Although Democrats like to call out Republicans for trying to suppress voting, the states they control in the Northeast make casting a ballot more difficult than anywhere else.

Connecticut has no early voting at all, and New York's onerous rules force voters to change their registration months in advance if they want to participate in a party primary. In Rhode Island, Democrats enacted a decade ago the kind of photo-ID law that the party has labeled "racist" when drafted by Republicans; the state also requires voters to get the signatures of not one but two witnesses when casting an absentee ballot (only Alabama and North Carolina are similarly strict). According to a new analysis released this week by the nonpartisan Center for Election Innovation and Research, Delaware, Connecticut, and New York rank in the bottom third of states in their access to early and mail-in balloting.

The restrictions across the Northeast are relics of the urban Democratic machines, which preferred to mobilize their voters precinct by precinct on Election Day rather than give reformers a lengthier window to rally opposition. Democrats who have won election after election in states such as New York, Delaware, Connecticut, and Rhode Island have had little incentive to change the rules that helped them win.

The party has been more concerned with expanding access to the polls in places where it has struggled to obtain and keep power (although it's not clear whether Democrats' assumptions about the impact voting laws have on turnout are correct). In Congress, Democrats are prioritizing legislation called the For the People Act, or H.R. 1, which seeks to curb GOP efforts to suppress voting. The bill would set national standards to loosen photo-ID requirements, guarantee early-voting and voting-by-mail options, and mandate automatic and same-day registration. Although Democrats have focused on how the bill would rein in red states, H.R. 1 would hit some blue states just as hard, if not harder.

Republicans love to call out Democratic sanctimony in the debate over voting laws, but this ignores the divergent directions the two parties are headed. Following their 2020 defeat and under pressure from Donald Trump allies, Republicans are pushing to restrict voting in states such as Texas, Iowa, Arizona, and Florida, which have recently been competitive. The Georgia law tightens ID requirements for absentee ballots and caps the number of drop boxes where they can be deposited. The measure also limits who can distribute water to voters waiting in line outside polling places. The effect of the bill is likely to make voting easier in Republican strongholds—by expanding early voting in rural areas, for example—but harder in Democratic urban centers, where lines at polling places tend to be longer and where voting by mail was more popular last year.

Democrats in charge of blue states are now racing to expand access in a way that matches the party's rhetoric nationwide. In some cases, they're trying to make permanent the temporary changes to voting laws that were put in place because of the pandemic. Delaware, for example, removed the mandate that voters cite a reason for casting an absentee ballot. Making the reform permanent requires the passage of an amendment to the state constitution, and Republicans who supported that proposal in the past are balking now, threatening its adoption.

The limit on mail-in ballots isn't Delaware's only voting anachronism. Bensing told me that he's been voting early in elections since he first cast a ballot, in Arkansas in 2002. When he moved to Delaware two years ago, he was shocked to find that the option wasn't available. Delaware won't debut early voting until 2022, and the 10-day period the state plans to offer still falls short of the 15-day minimum congressional Democrats have proposed in their voting-rights legislation.

Democrats in Delaware may finally be opening up their voting laws, but they're unwilling to call them racist. State Representative David Bentz has been trying to expand voting since he arrived in the legislature in 2015 and is leading the Democrats' push to modernize the state's laws now. But when I asked him why it's taken so long for Delaware to change its rules, he was stumped. "I wish I had a better answer for you," Bentz told me. He said the state did not have a history of long lines at the polls. "It wasn't something where groups were coming up to me and saying, 'Hey, we're disenfranchising people,'" Bentz said. If anything, Democrats suggest, the state's restrictive voting laws are born of political inertia. When Bentz and Bensing joined a multiracial group of advocates over Zoom last week to announce a coordinated push for new voting laws, according to Bensing, it was the first-ever statewide coalition dedicated to voting rights in Delaware.

Unlike Delaware's restrictions, Rhode Island's voter-ID law can't be described as antiquated: The statute is just 10 years old and won adoption under a Democratic majority with support from powerful Black elected leaders. Voting-rights advocates trace the law's passage to the conservative bent of the state's Democratic Party and tension that pitted Black and white Democrats against the state's rising Latino population. Backers of the bill included the first Black speaker of the General Assembly. They shared stories of voter fraud they had witnessed, but opponents of the law saw it as an effort to suppress Latino turnout in Providence. "It was bizarre," said John Marion, the executive director of Common Cause Rhode Island, the state affiliate of the national government-watchdog group. "Ten years later, I still don't know how it happened."

Rhode Island Democrats have proposed legislation to expand voting by mail and early voting, including a repeal of the requirement that absentee ballots have two witness signatures. But they're not likely to touch the voter-ID system. "Repealing voter ID was a nonstarter," Steven Brown, the executive director of the ACLU of Rhode Island, told me. "So there was no point in putting it in the reform bill." Rhode Island's critics of the ID requirement now find themselves in the same unenviable position as their progressive allies in red states: hoping the federal government will override a restrictive law that their own leaders—in this case, fellow Democrats—refuse to change.

Mr. SULLIVAN. Here is a little bit of what this article says:

[President Biden] has assailed Georgia's new voting laws as an atrocity akin to "Jim Crow in the 21st century. . . . But even once the GOP-passed measure [in Georgia] takes effect, Georgia citizens will still have far more opportunities to vote before Election Day than their counterparts in the president's home state.

That is The Atlantic—not known as a Republican magazine or anything.

The Atlantic article goes on to say:

Delaware isn't an anomaly among Democratic strongholds, and its example presents the president's party with an uncomfortable reminder: Although Democrats like to call out Republicans for trying to suppress voting, the states [the Democrats] control in the Northeast makes casting a ballot more difficult than anywhere else.

Than anywhere else.

Here is the point I am making. I am not trying to say that every other State should be like Alaska, that we need to federalize elections so every State has the same voting rights issues. I am proud of where my State is, and I am certainly not going to let any smug argument on the other side somehow accuse my Republican State of Jim Crow 2.0. Meet the standards in my State before you make those arguments.

But the point is, we are not all going to be the same. I have a State that is one-fifth the size of the lower 48. We have very unique voting issues. And the Founding Fathers strongly believed that election laws, for that reason, should be crafted State by State.

This is in the Constitution:

The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations.

Yes, this Congress may make laws and regulations, but a wholesale Federal takeover of every State's elections law is not what the Constitution contemplated, and it is not what would be good for each citizen of each State in our country.

My invitation to the President and other Members who are fundamentally demanding that we fundamentally alter this body by getting rid of the filibuster: Save your smug Jim Crow 2.0 insults. Go back to your own States. Undertake voter rights legislation is as expansive as my State. Take care of your own States first before you come here and tell us that you need to fundamentally reorder this body and this

country by getting rid of the filibuster—an issue that almost everybody agreed on just a few years ago was not a good idea for the Senate or for America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. BRAUN. Madam President, before I ran for the Senate, I ran a business that started in my hometown. Oftentimes you get criticized when you try to draw a parallel between a business and this place. And I guess it is so different, so it would be easy to make that argument.

But in the real world, if you have got a bad idea, you can't just change the rules. You have got to outcompete. You have got to offer another product. Only here, with the results that we have produced over time, would you want it even easier to generate bad ideas and put them into law.

The comparison between State government and here, I think, is valid. In almost all State governments, there is a constitutional amendment or a statute that says you can't spend more than you take in. There are certain guidelines, whenever you try to put any legislation forward, that you run it through regular order. We don't do that anymore. That takes too much time. That takes too much effort.

And when you try to get rid of the things that work in other places and double down on bad performance, that is what my Democratic colleagues are trying to do. The radical Build Back Better agenda failed. And now, instead of changing their agenda, running it through committees, making it more palatable to get at least one Republican vote, they want to change the rules.

Changing the rules of the Senate to enact their failed agenda is just the beginning. They want to completely take over our elections. Senator SULLIVAN just said a moment ago, in the Constitution, it couldn't be more explicit that that is the domain of the States.

Their plan is to silence those who stand in their way to campaign to fundamentally change in this country election law, and I don't think the country is going to have it. Thankfully, my Democratic colleagues can't even get all of their own Members on board. I think that was the same problem with the Build Back Better agenda. This is just going for something even more extreme, more impactful. It would have a ripple effect for who knows how much and how long down the road.

Hoosiers should not have their voice in DC watered down by power-hungry politicians who will do anything to get their way. The For the People Act should be called the "For the Politicians Act." It would be a better name because that is what we are enabling here. States like Indiana, States like Alaska conduct their elections fairly.

And by the way, where were any complaints pre-COVID? You didn't hear of

any. You change the rules; then you want to homogenize it across the country. That doesn't make sense.

Election integrity measures like voter ID are extremely popular—with a photo ID. Every State likes that. That polls in close to the 80-percent range, which is unheard of around here.

Americans are fed up with the top-down approach, one size fits all. It would be different if we were knocking it out of the park to begin with. We certainly aren't. We ought to work on the issues we can agree on and the beautiful system that was built. When you can't, don't feel that the only way it can get done is by doing it here. Turn it back to the laboratory of the States.

Another thing that irks me: 3 years ago, \$18 trillion in debt, approaching the record level, which we have now eclipsed, post-World War II. The difference then and now is we were savers and investors then. We are consumers and spenders now. And this will open the floodgates for even more heavy burden on our kids and grandkids.

We shouldn't be changing the rules to make it easier to legislate or spend money when we produce the results that have been produced here now for decades. We cannot allow President Biden and the Democrats to change the rules and take over our elections to save their radical, failed agenda.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. LANKFORD. Madam President, we are in the same spot in the Senate we have been at five times before in the past 12 months. My Senate colleagues are bringing up a bill on voting to federalize our elections.

This time is different. This time their demands have changed. It is not just, "Vote for my bill or take a vote." It is, "If you don't do this, we will blow up the Senate permanently." Oh, that is a different thing. So let me set some context on this because this requires some conversation about where we are, what this conversation is all about, and what this really means for the future.

So first let me begin with the bill itself. There is no question 100 Senators here have all been through an election process. We are all experts on elections. We have walked through it in a way that most Americans have never walked through before. We are passionate about fair elections. We are passionate about the people who actually vote because those are the people who are actually engaged in our society. As we have millions of people who check out, don't care, and don't vote, we encourage people to vote, to pay attention.

The laws in our States are a little bit different on voting because each State is a little bit different. That is not something new. That is actually written into the U.S. Constitution. It has been that way since 1789. They have always been a little bit different.

In 1965, our Nation took a strong, bold step to be able to make sure that we protected the rights of every single individual to be able to vote because there was a season in American history where Black Americans were being pushed out. There were poll taxes. There were Jim Crow laws. There were things that actually pushed people away from voting.

So, in 1965, our Nation passed the Voting Rights Act. I will talk a little bit more about that in a moment. That Voting Rights Act still stands today to be able to protect the right of every individual in America to vote. If a single person or group of people are suppressed in their voting, are prohibited from voting, Federal courts today have the right to be able to step in on any jurisdiction, any State in America, to be able to protect the rights of individuals to be able to vote.

I bring that to this body as a reminder because, for some reason, an enormous portion of this body on the left side of this room is running around the Nation and saying, "If we don't do something right now, there will be voter suppression in America, and we have to change that," when they all know, in 1965, we passed the Voting Rights Act, and that act still stands today to be able to protect the rights of individuals.

I hear people wander around the Nation and get on news channels and say the Voting Rights Act has been kicked out by the Supreme Court, when they know that is a lie. They know it is. One section of the Voting Rights Act the Supreme Court took out several years ago. It was the section that required what is called preclearance. It created a formula for States that had done a lot of oppression against Black Americans. It created a certain formula for them. If they made any changes in their voting laws, they had to get preclearance for that.

It stayed in place for decades. Even though their State had cleaned up their voting laws and had changed, for decades it stayed there, until the Supreme Court looked at it and said: You can't hold this over these States a generation later for something that a previous generation did.

And so the Supreme Court kicked that one section out but kept everything else, including protecting the rights of every single American from voter suppression. Every law in every State in America could be challenged in a Federal district court, circuit court, and to the Supreme Court to make sure the rights of individuals are protected.

Now, people here may not know that that still exists based on the way that the news has talked about voting of late and based on all the conversation about voting, but that is the law of the land right now.

So what is being brought to this body to vote on then? Well, here is what has been brought to this body to be able to vote on: a long list of things that they

want to be able to address and to be able to say they want to change voting in America to be able to remake it in their image, except it is not in the image of their States because many of my Democratic colleagues don't actually have, in their own State, the things that they are actually putting into this Federal legislation; meaning, literally, they are taking over from officials in their own State, telling their own Governor, their own legislature that they are wrong and that they are going to set them straight.

We have a disagreement on some of these issues. I will grant you that. Some of these areas in the bill we go: Let's talk about it. Most of the areas in their bill we look at and go: Are you kidding me? We just disagree on this—things like same-day voter registration, where a person could literally walk in and say, "I never registered to vote before," tell them their name, and then vote on the spot. Honestly, I have a problem with that because there is no way to be able to validate they didn't vote in Oklahoma City, then vote in Tulsa, then vote in Muskogee, OK. There is no way to know. They just voted, and they did same-day registration, so there is no way to verify that person is actually that person.

Interestingly enough, they also include in their bill undermining State voter ID laws, so the combination of the two is pretty powerful. You can't call for ID, but you can register on the spot. That is a formula for fraud.

It is not just my opinion; it is the State of New York's opinion. The State of New York does not have same-day voter registration. In fact, this last November, it was on the ballot in the State of New York, and the people of the State of New York overwhelmingly said that is a terrible idea and voted it down. Yet Senator SCHUMER stands right over there and tells every State, including his that just voted this down: No, you have to do this. We are going to require it because some people in this body think it should be required.

We have a disagreement on that. That is a real disagreement we should be able to debate and talk about. Instead, my Democratic colleagues are saying: If you disagree with me on this, I will blow up the rules of the Senate, and we will get what I want no matter what.

Can we not have a disagreement that same-day voter registration may be a bad idea, when even the State of New York and the people of New York think it is a bad idea?

They have a mandate for using ballot drop boxes. I don't have a problem with ballot drop boxes, but their ballot drop box issue is you can't provide security. If you have any kind of security setting for it or any kind of chain-of-custody requirement, then that is going to be oppressive and suppressive.

You know, I think it is a good idea, when dealing with a ballot, that you actually know where it went and if anyone changed it; if people dropped

off multiple ballots, when it is only legal to drop off one. I think it may be important to know if you are going to verify an election. We have a disagreement on that.

We have a disagreement on the issue of felons voting. Now, each State makes that decision whether they are going to allow felons to vote, but in this piece of legislation Democrats are bringing, they are saying: No, felons have to be given the right to vote when they get out of prison.

Now, I understand we may disagree on that, but I want you to understand what they are saying. My Democratic colleagues are saying: I will blow up the rules of the Senate and change 250 years of history in the Senate to get my way if you don't allow rapists, convicted murderers, and convicted sex offenders to be able to vote. They are so determined that sex offenders get the right to vote, they are willing to blow up the rules of the Senate to get it.

Can we not have a disagreement on if we are going to force States to mandate that convicted murders, sex offenders, and rapists get to vote again?

In this piece of legislation, they provide government funding, taxpayer funding, for Members of the House of Representatives just down the hall over there. Here is the way they set it up: If you are running for the House of Representatives and you raise small-dollar donations, then taxpayers will fund your campaign on a 6-to-1 match. It gets even better because you, as a candidate, could actually take a salary from that as well and actually be paid by the taxpayer to be able to run for office if you are running in the House of Representatives. Can we not have a disagreement on that?

I don't meet many people in Oklahoma who say they want to fund House Members running in New York State or California or Illinois or even in Oklahoma. They don't want to fund them with their tax dollars. If their tax dollars are going to education or roads or national defense or border security, they are all in, but if they are funding a political campaign with their tax dollars, I just don't meet many people who are very excited about that. But my Democratic colleagues are saying: If you don't support that, I will blow up the Senate, and I will destroy 200 years of history in the functioning of the Senate to get my way because, to them, having Federal funding for elections is so important, they are willing to blow the Senate tradition up so they can get their way.

There is a general counsel who works for the Federal Election Commission. You never met him. You don't know his name. He is an attorney who works with the Federal Election Commission. Their bill gives that attorney a tremendous amount of power to oversee elections in America. Do you know who he is? I don't either. But if this bill passes, it is a pretty powerful individual. Can we have a disagreement about that or is this about, if I don't

allow someone no one even knows their name, a Federal Election Commission attorney, to be able to run elections in the country, I will blow the Senate up.

There is a section of it in this bill that talks about preclearance. We actually don't know how many States would fall into preclearance on this. Many of my Democratic colleagues say: Well, it is not very many. You have to have some sort of violation in the past to be able to get it. But, actually, if you read the fine print in the bill, it says if there has been a consent or out-of-court settlement on things related to an election any time in the last 25 years, you would suddenly now be in preclearance.

So, literally, 20 years ago, if your State made some agreement on elections, if there was some settlement that was done with DOJ during that time period, didn't even go to court; you just settled it to resolve it—said, yes, that was a mistake that was done—now that is going to come back to haunt a future generation.

And States will get drawn into preclearance, which—let me describe what that means. Preclearance means your State legislature can no longer pass legislation on elections until you contact the Attorney General of the United States and ask permission first. So now your State legislature works for the Attorney General of the United States, whoever that person may be in the future. It actually gives them the ability to be able to control anything on election law in your State, even though we don't even know who that is, and we don't know how many States are actually included.

What I have heard over and over again from my Democratic colleagues is, well, if we don't do this right now, our elections are destroyed in the future because have you seen the things that Republicans are doing all over the country? Have you seen the terrible laws that have been passed since 2020?

Actually, I have. My State is one of them. And I was surprised when I saw my State on the list of 34 different laws that are out there that have been passed that are terrible for America so we have to be able to federalize all elections. I was surprised to see my State on the list. When I looked on the list to see what was the terrible thing that passed in my State, here is what I discovered: Our State passed HB 2663. HB 2663 did a couple of things. It added an extra day of early voting for the general elections. They added an extra day of in-person early voting.

And it said, if you request an absentee ballot, you have to do that 15 days prior to the election. Do you know why we did that? Because the U.S. Postal Service contacted every State and asked them to do that because the Postal Service said: We can no longer guarantee we can get something mailed to a person and give them time to get it actually mailed back in time for the election. So to make sure people's votes actually count, we did what the

U.S. Postal Service actually recommended to us. We moved our request for an absentee ballot to 15 days before the election to make sure every vote would count.

You want to know something fun? So did the State of New York. They made the exact same change. So, apparently, the State of New York is also into voter suppression the same as the State of Oklahoma is.

Do you know what is really happening? My Democratic colleagues are running around the Nation getting on the news and saying there are 34 new laws passed by Republicans; they are destroying the right to vote. And apparently no one in the media is saying, "List one," because if they would have listed one, they would have listed the State of Oklahoma added—added—an extra day of in-person voting and did what the U.S. Postal Service asked us to do, the exact same thing that the State of New York did.

Let me give you some other things that have happened in other States. In Florida, there is a requirement that voters provide the last four digits of their Social Security number or their driver's license number or their Florida ID number when they request a mail-in ballot to make sure it is actually them. It is pretty straightforward. That doesn't sound like voter suppression; that sounds like just verifying that a person who is asking to vote by absentee is actually the person voting.

They made it very simple. You can just do any number. They are not even showing ID. They are saying you can just give the last four digits of your Social Security number, which everyone has. All they are just trying to make sure is that person is actually there and is actually who they say they are, but they are listed as being voter suppression there.

Arizona is requiring a voter signature on early ballots, as do a lot of States already. That has not been a big issue on that.

In Louisiana—this is a really big one in Louisiana. Louisiana and Utah—now, I understand why Democrats are challenging this. In Louisiana and Utah, they required that deceased voters be taken off the voter rolls. Those who are deceased, they are taken off the voter rolls. That is being listed as voter suppression.

I have to tell you. I have a friend of mine who said to me: When I die, would you make sure that I am buried in a blue State because I want to make sure I can continue to vote. It is a running old joke about "I want to keep voting when I am dead."

The State of Louisiana and the State of Utah, all they did was say: We want to be able to clean up our voter rolls to be able to take off the names of people we know and have verified that they are actually dead. But that is considered voter suppression, and my Democratic colleagues are running around the Nation saying there are 34 new laws that are suppressing the right to vote,

when this is the kind of stuff that has actually been passed around the country.

Now, they will say: Oh, you can list those; I understand those. But there are a couple of them that are really egregious. I have heard several folks say: Do you realize that the State of Georgia—the State of Georgia and the law that they passed won't allow people to be able to pass out water to people in line? That is voter suppression.

Well, did you know that new law in Georgia has been the old law in the State of New York for years so that you couldn't campaign in line? People who are actual poll workers, who are volunteers there, they can pass out food and water. But the State of Georgia did a law just like the State of New York already has. I haven't heard Senator SCHUMER say that is voter suppression in New York, but he declared that to be voter suppression in Georgia. In fact, even Georgia Senators here stood up to be able to protest that they were playing baseball in Georgia because of it. The State of New York already has it.

I have also heard folks say: Well, there are some of the things that these States have passed that they are actually removing the ability of the State chief election official to administer elections. That is dangerous because then just a legislature can declare whoever they want to declare. That sounds horrible. If true, that would be terrible. It just doesn't happen to be factually true, but it is just getting spun like crazy that Republican States are out there taking away the rights of their people to be able to vote and their vote be counted. It is just not factually true.

They will go to Georgia and say they stripped the Secretary of State's authority to oversee elections. Here is what Georgia actually did. The Georgia secretary of state is still the chief election official for the State of Georgia.

They still oversee all election activities in the State, nothing changed on that. But Georgia did replace the secretary of state on the State election board with a nonpartisan chair, making the secretary of state a nonvoting member. That did happen. The law did provide new authority to the board to suspend county or municipal election superintendents and to appoint superintendents to oversee the jurisdiction. Yep, that is part of the law, but that would only happen after an investigation by a performance review board, a hearing by the State election board.

The board then must determine that the election administrator in the jurisdictions committed at least three violations of State election law or as demonstrated nonfeasance, malfeasance, gross negligence, and the administration of elections. It also prohibits the board from suspending more than four superintendents. It allows for a suspended superintendent to petition the State for reinstatement.

It adds a whole process of due process that actually gets carried out. Why do

they do this? Well, because there were actual examples in the election of election workers that were fired by the county elections directors for shredding voter registration applications. That is a crime.

So they set up a process with full due process not to overturn elections, but to make sure county election officials actually are following the law. That doesn't sound like voter suppression to me. That just sounds like running free and fair elections.

Oh, but Arizona—Arizona has a new law that provides the attorney general to have the authority to defend the State's election laws in courts rather than the secretary of state, so they just shifted their responsibility of who defends State election laws.

The secretary of state is still the chief election officer in Arizona but actually doesn't go to court. Their State attorney general does. That kind of makes sense to me, but, apparently, my Democratic colleagues don't agree. They have spun this whole web of myth and said, We have to federalize every election in America. We have to take over every State voting system in America. Washington, DC, needs to be the one to be able to run everything—or else if we don't, we'll destroy the traditions of the Senate and get our way no matter what.

Could I just read to you from the Voting Rights Act of 1965, the law that is still in place in America?

It says:

No voting qualification or prerequisite to voting, or standard, practice, or procedure shall be imposed or applied by any State or political subdivision to deny or abridge the right of any citizen of the United States to vote on account of race or color.

The Voting Rights Act of 1965, still the law of the land, and it should be.

So what is happening now with this? Well, there are two big issues here. One is this fight over voting, whether States make decisions on voting or whether Washington, DC, Democrats make decisions on voting for their States, even if it is a Democrat State.

And then the next big issue is, are the Democrats in this room actually going to destroy the filibuster and silence the rights of the minority in America? Now, if you would have asked me 4 years ago, I would have said: No way, that is not going to happen, because a group of Democrats and a group of Republicans joined together and said: We are committed to not destroying the legislative filibuster. Why? Because it is what makes the House and the Senate different.

The House and the Senate are not just one is bigger and one is smaller. The House and the Senate operate differently. And the Senate has been the place for two and a half centuries where the debate occurs and there are rights of individual Senators to be able to debate the issues, defend their State, and talk about the rights of Americans. This happens in the Senate.

The majority rules the show in the House. If they have 218 of 435, they

don't care what the other side thinks. People who always talk about bipartisanship never bring up the House of Representatives—they just don't. Bipartisanship doesn't happen in the House of Representatives the way it happens in the Senate, but the reason it happens in the Senate is because of this thing called the filibuster.

It was interesting, when I was first elected to the Senate in 2014, the people that called me between my election and when I came were almost all Democrats—almost all of them. They wanted to introduce themselves. They wanted to say: What are you interested in? Because in the Senate we have to work together to be able to get things done.

And so I had all these Democrats that reached out to me to say: Let's find areas of common ground. We are going to disagree on lots of things, but let's find the things we are going to agree on because we have to come to consensus, because we are the U.S. Senate.

That is commonly understood by Senators, which is why in 2017, in the middle of the year, a group of Republicans and Senators wrote a letter—this letter—to MITCH MCCONNELL and CHUCK SCHUMER. In that letter—I am going to read it right here from this paragraph, it says:

We are mindful of the unique role the Senate plays in the legislative process, and we are steadfastly committed to ensuring that this great American institution continues to serve as the world's greatest deliberative body. Therefore—

Here's their request.

Therefore, we are asking you to join us in opposing any effort to curtail the existing rights and prerogatives of Senators to engage in full, robust, and extended debate as we consider legislation before this body in the future.

This group of Senators in 2017 wrote to MITCH MCCONNELL and CHUCK SCHUMER and said: Do not allow any changes. We are fully committed to making no changes in the filibuster. Don't allow it to happen for legislation. Don't allow it. Here were those that signed this document and said: This is what we believe.

KAMALA HARRIS, now Vice President of the United States; CHRIS COONS, who led the letter among all Democrats; PATRICK LEAHY is the person who has held this institution together; DIANNE FEINSTEIN; AMY KLOBUCHAR; KIRSTEN GILLIBRAND; CORY BOOKER; MICHAEL BENNET; JOE MANCHIN; ANGUS KING; MARK WARNER; BOB CASEY; MARTIN HEINRICH; JEANNE SHAHEEN; SHERROD BROWN; BRIAN SCHATZ; MARIA CANTWELL; MAZIE HIRONO; JON TESTER; TOM CARPER; MAGGIE HASSAN; TAMMY DUCKWORTH; TIM KAINE; JACK REED; Ed Markey; DEBBIE STABENOW; SHELDON WHITEHOUSE; BOB MENENDEZ—all said don't change the legislative filibuster.

In fact, they asked me, along with everyone else, to join them in opposing any efforts to make changes to the filibuster. It didn't just stop there. There

were lots of other conversations that happened during that time period. There were lots of interviews and dialogue about it. Let me just read some of the comments that were made during that time period.

George Stephanopoulos on ABC's program asked of DICK DURBIN, the No. 2 leader for Democrats—asked DICK DURBIN, “What do you think about doing away with the filibuster?”

DICK DURBIN replied this in 2018:

Well, I can tell you that would be the end of the Senate as it was originally devised and created going back to our Founding Fathers. We have to acknowledge our respect for the minority, and that is what the Senate tries to do in its composition and in its procedure.

That is DICK DURBIN in 2018.

JON TESTER was asked in 2019 about the legislative filibuster, and he said:

I don't want to see the Senate become the House.

He then said:

If you're asking about the filibuster changes, I am a no. That would be a mistake.

Senator ANGUS KING made this comment in 2020. He said:

I know it can be frustrating, but I think legislation is better when it has some bipartisan support.

Senator DIANNE FEINSTEIN in 2020 said:

I think it's a part of Senate tradition, which creates a sobering effect on the body, which is healthy.

One more comment from ANGUS KING. ANGUS KING was asked about it on CNN, about the filibuster, and he replied back he is 100 percent opposed to killing the filibuster—100 percent.

Senator CORY BOOKER responded about the filibuster. He said:

My colleagues and I, everybody I've talked to, believe the legislative filibuster should stay there, and I will personally resist efforts to get rid of it.

Senator CHRIS COONS, when asked about this in 2018, he replied:

I am committed to never voting to change the legislative filibuster.

Never.

Senator JACKY ROSEN in 2019 was asked about this, and she replied:

I think we should keep the [legislative] filibuster. It's one of the few things that we have left in order to let all of the voices be heard here in the Senate. . . .

She also said:

We have to look not at just when you're in the majority, but what does it do when you're in the minority? You have to be mindful of that.

JEANNE SHAHEEN was asked on CNN about the legislative filibuster in 2021, and she answered just simply:

No, I would not support eliminating the 60-vote threshold.

Would not do it.

Senator JACK REED was asked in 2017, during the same time period this letter came out, which he was a signatory for, and he said:

The filibuster is not in the Constitution nor the original Senate rules, but we have a bicameral system for a reason and this legislative tool serves a critical purpose in ensur-

ing the functioning of our democratic republic. Yes, it sometimes slows the process down, and some have abused or subverted it. But it remains an important part in our system of checks and balances.

I agree. I agree with that JACK REED. Senator BERNIE SANDERS even was asked about the filibuster in 2019, and he just replied:

No, I am not crazy about getting rid of the filibuster.

Senator MAZIE HIRONO from Hawaii said:

I'm not particularly in favor of getting rid of the filibuster because that just means majority rule. That's what happens in the House.

Senator BOB CASEY was asked in 2019 about the filibuster, and he just replied:

I'm a yes [on keeping the filibuster].

One of my favorites, Senator SHERROD BROWN was asked about this in 2019, and he replied:

I think there are ways of getting things through Congress with the legislative filibuster still in place. . . . it takes a chief executive that knows what she's doing or what he's doing.

Listen, this is not some trivial exercise. This is 250 years of history my Democratic colleagues are planning to flush down the toilet because they don't get their way on a bill we rightfully have very strong philosophical disagreements on.

Hey, I don't agree on giving rapists and sex offenders who are convicted felons voting rights when they get out of prison; I am not alone on that. I don't agree in Federal tax dollars being used to be able to pay for political campaigns. I am not alone in that. That is not that crazy.

I don't agree that my State should have to go play “Mother, May I” with some future Attorney General because they want to add another day of voting. I am not alone in that. But to say, “If you don't do this now, I will destroy the Senate”, is a toxic shift for our Republic, and it is a violation of what you have said before in public, in fact, written to the leadership of the Senate and said: Please don't do this, and we will not do this. And now, years later go: It is not convenient. That was when we were in the minority. We had one opinion. Now we have different core beliefs because we are in the majority.

Interestingly enough, Joe Biden today stood in Georgia and made this statement. He said:

Today I am making it clear: To protect our democracy, I support changing the Senate rules whichever way they need to be changed to prevent a minority of Senators from blocking action on voting rights. When it comes to protecting majority rule in America, the majority should rule in the U.S. Senate.

Well, that is fascinating. Now that he is President of the United States, it is my way, or I will destroy the whole place. When he was Senator Joe Biden, he had a different opinion.

Senator Joe Biden wasn't about “I am the President, so I get what I

want.” Senator Joe Biden made this statement:

Folks who want to see this change want to eliminate one of the procedural mechanisms designed for the express purpose of guaranteeing individual rights, and they also have a consequence, and would undermine the protections of a minority point of view in the heat of majority excess.

But now he says: No. I am in the majority. I should get my way.

Senator Joe Biden said:

I have been here 32 years, most of the time in the majority. Whenever you are in the majority, it is frustrating to see the other side block a bill or a nominee you support. I have walked in your shoes, and I get it. . . . Getting rid of the filibuster has long-term consequences. If there is one thing I have learned in my years here, once you change the rules and surrender the Senate's institutional power, you never get it back.

Senator Joe Biden said:

Simply put, the nuclear option would transform the Senate from the so-called cooling saucer our Founding Fathers talked about to cool the passions of the day to a pure majoritarian body like a Parliament. We have heard a lot in recent weeks about the rights of the majority and obstructionism. But the Senate is not meant to be a place of pure majoritarianism. Is majority rule what you really want?

That is what he said as a Senator, but as President, his demand was, majority rule or we will break every rule in the Senate to get what we want.

Senator SCHUMER, in his public statements, has been very clear. “It would be doomsday for democracy,” he said, “if you change the filibuster.”

This is the statement Senator SCHUMER made in 2017, the same Senator SCHUMER who has spent the last 12 months trying to find a way to tear down the filibuster. In 2017, when there was the debate going on around this, Senator SCHUMER said on the floor of the Senate, standing right there, “I hope the Republican leader and I,” he said, “can, in the coming months, find a way to build a firewall around the legislative filibuster, which is the most important distinction between the Senate and the House. Without the 60-vote threshold for legislation,” Senator SCHUMER said, “the Senate becomes a majoritarian institution like the House, much more subject to the winds of short-term electoral change. No Senator would like to see that happen so let's find a way to further protect the 60-vote rule for legislation.”

That was Senator SCHUMER in 2017, but now it is: I am in power. I am going to do what I want.

This is not a flippant issue, and as I have spoken to some of my Democratic colleagues, they seem to believe we will just take this vote and no one is going to care. In fact, some of my Democratic colleagues are saying: We know we are going to lose. Senator MANCHIN and Senator SINEMA have already made public comments. They are not going to go with this, or, we are going to take this, make a statement. Our progressive base wants us to be able to do this. It has no consequences. It is not going to pass anyway, so we

will just do it—except they are forgetting that 5 years from now, 10 years from now, there will be another time just like this. Maybe Democrats will be in a slightly larger majority. Maybe Senator SINEMA and Senator MANCHIN won't be here at that moment, and the majority leader, Democrat Senator, at that point will step forward and say: You voted on this in 2022. It is time for us to vote on it now.

Democratic activists will rush at you and will say: Don't you dare change what you did. Tear the place down. Let's get what we want.

I have spoken to so many of my colleagues and said: Don't do this.

They have quietly responded back to me: I don't want to do this.

I am not here to attack my colleagues. You each make your own decisions. But these are decisions that matter. These are the decisions that 100 years from now will still guide the direction of the Senate. These are the decisions that will direct our Republic.

We are the only body that has a protection for the minority voice; I think the only legislative body in the world that is designed like this. It has been part of the secret sauce of America that the minority in America, however large or small it is, has a voice.

My Democratic colleagues are now saying: We no longer want the minority to have a voice in America. If you are in the minority opinion, you don't count. Sit down. Shut up. We are in the majority.

That has never been the American way, not in 250 years. This has been the place where we have argued, debated, and where, yes, I have talked to House Members who have said good bills went to die. But the Senate has been the spot where all Americans get to speak. And my Democratic colleagues are seriously considering this week saying: No more, because we want to pass a voting bill that gives Federal dollars to House candidates and gives felons the right to vote and takes away voter ID.

What in the world? What has this body become that people who signed this document, page after page of it—I mean, I could bring out page after page of Senators who have signed this and have said “Do not take away the legislative filibuster” but now are just flipping and flippant and saying it won't matter. Yes, it does. One hundred years from now, this week will still matter.

I encourage my Democratic colleagues to think carefully on this one because this one counts.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate proceed to legislative session and be in a period of morning business,

with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE EXPLANATION

Ms. SINEMA. Madam President, I was necessarily absent, but had I been present I would have voted yes on rollcall vote 1 on the motion to invoke cloture on Anne Witkowsky to be an Assistant Secretary of State (Conflict and Stabilization Operations).

I was necessarily absent, but had I been present I would have voted yes on rollcall vote 2 on the confirmation of Anne Witkowsky to be an Assistant Secretary of State (Conflict and Stabilization Operations).

I was necessarily absent, but had I been present I would have voted yes on rollcall vote 510 on the motion to invoke cloture on Jinsook Ohta to be U.S. District Judge for the Southern District of California.

I was necessarily absent, but had I been present I would have voted yes on rollcall vote 511 on the confirmation of Jinsook Ohta to be U.S. District Judge for the Southern District of California.

I was necessarily absent, but had I been present I would have voted yes on rollcall vote 512 on the motion to invoke cloture on David Urias to be U.S. District Judge for the District of New Mexico.

I was necessarily absent, but had I been present I would have voted yes on rollcall vote 513 on the confirmation of David Urias to be U.S. District Judge for the District of New Mexico.

I was necessarily absent, but had I been present I would have voted yes on rollcall vote 514 on the motion to invoke cloture on Maame Frimpong to be U.S. District Judge for the Central District of California.

I was necessarily absent, but had I been present I would have voted yes on rollcall vote 515 on the confirmation of Maame Frimpong to be U.S. District Judge for the Central District of California.

I was necessarily absent, but had I been present I would have voted yes on rollcall vote 516 on the motion to invoke cloture on Jane Beckering to be U.S. District Judge for the Western District of Michigan.

I was necessarily absent, but had I been present I would have voted yes on rollcall vote 517 on the confirmation of Jane Beckering to be U.S. District Judge for the Western District of Michigan.

I was necessarily absent, but had I been present I would have voted yes on rollcall vote 518 on the motion to invoke cloture on Shalina Kumar to be U.S. District Judge for the Eastern District of Michigan.

I was necessarily absent, but had I been present I would have voted yes on rollcall vote 519 on the confirmation of Shalina Kumar to be U.S. District Judge for the Eastern District of Michigan.

I was necessarily absent, but had I been present I would have voted yes on rollcall vote 520 on the motion to invoke cloture on Jennifer Thurston to be U.S. District Judge for the Eastern District of California.

I was necessarily absent, but had I been present I would have voted yes on rollcall vote 521 on the confirmation of Jennifer Thurston to be U.S. District Judge for the Eastern District of California.

I was necessarily absent, but had I been present I would have voted yes on rollcall vote 522 on the motion to invoke cloture on Katherine Menendez to be U.S. District Judge for the District of Minnesota.

I was necessarily absent, but had I been present I would have voted yes on rollcall vote 523 on the confirmation of Katherine Menendez to be U.S. District Judge for the District of Minnesota.

I was necessarily absent, but had I been present I would have voted yes on rollcall vote 524 on the motion to invoke cloture on Mary Dimke to be U.S. District Judge for the Eastern District of Washington.

I was necessarily absent, but had I been present I would have voted yes on rollcall vote 525 on the confirmation of Mary Dimke to be U.S. District Judge for the Eastern District of Washington.

I was necessarily absent, but had I been present I would have voted yes on rollcall vote 526 on the confirmation of Rahm Emanuel to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Japan.

I was necessarily absent, but had I been present I would have voted yes on rollcall vote 527 on the motion to invoke cloture on Gabriel Sanchez to be U.S. Circuit Judge for the Ninth Circuit.

I was necessarily absent, but had I been present I would have voted yes on rollcall vote 528 on the motion to invoke cloture on Holly Thomas to be U.S. Circuit Judge for the Ninth Circuit.

TRIBUTE TO MICHAEL L. HANNA

Mr. RISCH. Madam President, I rise today to congratulate and honor the retirement of one of my senior staff members and friend who has served in my home State of Idaho for the last 13 years as the regional director of my Lewiston office, Michael "Mike" L. Hanna.

Following his retirement from the timber industry, Mike came to my staff after my first election to the U.S. Senate in May of 2009. I knew right away that he was a perfect fit for the regional director position in my Lewiston office. As a result, my chief of staff and I hired him immediately following his interview.

Mike was born in Boise, ID, and was raised there and in the Emmett Valley, where his parents' families worked as farmers and sawmill workers. Growing up in a farming and timber family eventually led him to the University of

Idaho, where he graduated with a bachelor of science degree in forest management in 1976.

Upon graduating from U of I, Mike began his 33-year career in the timber industry as a forester with the Idaho Department of Lands. After 12 years with the State of Idaho, he transitioned to the private sector, where he worked for Empire Lumber Company, Weyerhaeuser, and Three River Timber.

Given his expertise and vast knowledge of the timber industry, Mike was frequently called upon to participate in and lead collaborative groups and natural resource associations and organizations. To name but a few, he was a founding member of the Clearwater Basin Collaborative, president of the Intermountain Logging Conference board of directors, president of the Resource Organization on Timber Supply, or ROOTS, president of the Clearwater Resource Coalition, and the chairman of the Forestry Committee of the Intermountain Forestry Association. He was also recognized by the Rocky Mountain Elk Foundation for his U.S. Forest Service stewardship contract work.

With his deep roots in Idaho and the timber industry, he was the perfect representative to the natural resource communities of the Clearwater Region, stationed out of my Lewiston office. During his 13 years of service as my regional director, he advised and guided my office through many complicated issues, like the Idaho roadless rule implementation, the salmon and steelhead management plans, Columbia River Treaty, Good Neighbor Authority, tribal relations, and too many other issues to name.

Mike and his wife Nancy have been married for 45 years and have made their home in Orofino, ID for 44 years, where they are an integral part of the fabric of the community. They have two children, Lindsay and Adam, and five grandchildren.

It is always difficult to lose a trusted staff member of Mike's character, experience, and knowledge, and I wish him and Nancy nothing but the best in their retirement and look forward to our continued friendship in the years ahead.

Congratulations and thank you for your outstanding service to my staff and the citizens of Idaho.

ADDITIONAL STATEMENTS

100TH ANNIVERSARY OF THE PALACE THEATER

• Mr. BLUMENTHAL. Madam President, today I rise to recognize the Palace Theater in Waterbury, CT as it celebrates 100 years of artistic achievement and advocacy.

The Palace Theater originally opened on January 28, 1922. With the culmination of a \$1 million investment in décor by Sylvester Z. Poli and the remark-

able architectural work of Thomas Lamb, the theater soon became a hub for cultural activity in Waterbury before the onset of World War II.

The ornate building started as a movie and vaudeville house. Over the past century, the Palace has hosted a wide breadth of performances and productions, from silent films to rock concerts and everything in between. In 1983, the U.S. Department of the Interior honored the Palace Theater by listing it on the National Register of Historic Places.

In 1987, the theater closed for 18 years. However, a 3-year, \$30 million restoration, renovation, and expansion project impressively reshaped the Palace. When it reopened, the theater was a state-of-the-art, 90,000-square-foot arena. Now a vast complex, the Palace is known as Greater Waterbury's Center for the Performing Arts.

In its current state, the Palace hosts educational programming, Broadway tours, and a variety of family entertainment. The theater's team is committed to serving the greater Waterbury community by establishing not just a magnificent artistic site but also a highly regarded educational and cultural center.

The Palace Theater is recognized as one of the premier arts facilities in New England, and I have had the privilege of visiting on a number of occasions to speak with the staff there. I am continuously impressed by the Palace's record of achievement and the tireless dedication of everyone involved to furthering arts education and advocacy for countless Connecticut residents and visitors.

I applaud the theater on its extraordinary history of accomplishment, and I hope my colleagues will join me in congratulating the Palace Theater on 100 years of excellence.●

TRIBUTE TO MARK BENNETT

• Mr. BOOZMAN. Madam President, I rise today to commend Mark Bennett, who is retiring as chief of the water development division of the Arkansas Natural Resources Commission after a 34-year career creating and preserving access to water in our State.

Through his work, Mark has helped provide clean, safe, and reliable water to countless Arkansans and has been instrumental in the conservation of our State's land and water resources. Thanks to Mark's dedication and commitment to the people of Arkansas, he has ensured that future generations will be able to enjoy the beautiful land and wildlife the Natural State is known for.

Mark is a true Arkansas success story. Raised near Lake Village and a graduate of Lakeside High School, Mark earned a bachelor's degree in both agricultural economics and banking and finance from Mississippi State University. He continued his education at the University of Arkansas at Little Rock William H. Bowen School of Law

and the University of Arkansas School of Law, where he earned a master of laws degree in agricultural law.

Mark served the people of Arkansas as general counsel for the Arkansas Natural Resources Commission for nearly 20 years. He continued his public service as the chief of water development with the natural resources division of the department of agriculture. In this role, Mark oversaw a variety of crucial infrastructure programs including the Arkansas Clean Water Revolving Loan Program, the Arkansas Drinking Water Revolving Loan Program, the Arkansas Water Development Fund, and the Arkansas Water, Sewer and Solid Waste Fund to assist Arkansans with water, wastewater, and solid waste projects. Mark has also served as the state cochair and member of the EPA—State SRF working group and is a former board member and past president of the Council of Infrastructure Financing Authorities board of directors.

I am grateful for Mark's experience and expertise. His guidance was instrumental in crafting Federal legislation to modernize investment in water infrastructure. The Securing Required Funding for Water Infrastructure Now, or SRF WIN, Act was signed into law in 2018 and is improving access to clean water in Arkansas and across the country. Mark's knowledge in this field was invaluable as my staff and I developed this legislation.

Generations of Arkansans will continue to benefit from Mark's extraordinary efforts to provide quality water infrastructure and further conservation efforts in our State. His dedication to improving the lives of his fellow Arkansans is an inspiration, and I wish him the best of luck in retirement.●

RECOGNIZING IDAHO OPERATION LIFESAVER

● Mr. CRAPO. Madam President, I congratulate Idaho Operation Lifesaver on its 50-year anniversary of working to keep people safe around railroad tracks and railway crossings. Thank you to all those involved with this highway/rail safety effort for advancing rail safety across Idaho and our country.

Idaho Operation Lifesaver was started in Post Falls, ID, in 1972 and was adopted in other States and nationally. According to Idaho Operation Lifesaver, the average number of highway/rail incidents was 12,000 annually when Idaho Operation Lifesaver was created. Idaho Operation Lifesaver is credited with a 43-percent decrease in incidents in its first year following a 6-week public awareness campaign started through cooperative work between then-Idaho Governor Cecil Andrus, the Idaho State Police, and Union Pacific railroad.

This effort is currently supported by 78 volunteers across our great State of Idaho who assist with providing safety presentations to school groups, driver education classes, community mem-

bers, professional drivers, law enforcement officers, and emergency responders. The group's focus on education, engineering, and enforcement is also part of its Officer on a Train Program, employed for the past nearly 30 years to decrease car-train collisions. Through the program, Idaho State Police Troopers and Officers from local police departments work together to stop drivers committing track safety violations to prevent collisions, prevent trespassing on railroad property, and save lives.

Idaho is filled with problem-solvers and doers. So it is no surprise this railway safety effort got its start in our great State. I congratulate Idaho Operation Lifesaver on this significant milestone. I wish all those involved with Idaho Operation Lifesaver well, as you continue to work to keep people safe from rail accidents across our State and Nation.●

RECOGNIZING THE IDAHO FALLS AFRICAN AMERICAN ALLIANCE

● Mr. RISCH. Madam President, Martin Luther King, Jr., dreamed of a world of peace and equality, and honoring his legacy is a central priority of the Idaho Falls African American Alliance, or AAA. Today, I recognize the accomplishments of the Idaho Falls AAA and highlight their 15th Annual Martin Luther King, Jr., Banquet.

The Idaho Falls AAA was formed in 2006, when a few members of the community became aware of a local African-American high school student in need of funds to travel to a regional debate competition. One of these individuals was the current Idaho Falls AAA president, David Snell. Growing up, his mother told him, "You should never be a part of a community that does not feel your presence. It is your personal responsibility to make sure your community is better because you were a part of it." The group worked together to raise \$300 and sponsored the trip for the talented debater.

This experience sparked a movement as the group realized they could make a difference in the community and help other kids in need. AAA members also recognized an opportunity to promote diversity in the community, expand awareness of the contributions of African Americans and other minorities, and begin to build a sense of understanding between cultures and ethnicities.

Martin Luther King, Jr., influenced their mission, and they soon organized an annual MLK Banquet to provide the community an opportunity to learn from prominent African-American leaders. Over the past 15 years, guests have included Dr. Walter Massey, past president of Morehouse College; Pete Miller, former Undersecretary of Energy; Freeman Hrabowski, voted one of TIME magazine's 100 Most Influential People of 2012; and Idaho State Senator Cherie Buckner-Webb.

This year's AAA banquet will feature keynote speaker USAF Capt. Daniel

"Fuzz" Walker, the first African-American pilot qualified to fly the F-22 stealth fighter plane, and grandson of one of the original Tuskegee Airmen.

Ms. Michelle Amos, system engineer for NASA's Perseverance, the 2020 Mars rover, will also deliver remarks over Zoom. Ms. Amos won an All-Star Award at NASA's Women of Color Government and Defense Technology Awards Conference, is the former chairperson of NASA's Black Employee Strategy Team, and is currently a public affairs spokesperson for the Church of Jesus Christ of Latter-day Saints.

The organization has faced some challenges but has also received generous support from the Idaho Falls community. Many local businesses provide donations and services making the MLK Banquet possible each year. The proceeds from the annual event are used to support their mission to "further the educational, economic, cultural and development growth of the Idaho Falls African American Community."

The Idaho Falls AAA serves to bring people together in times that can feel divisive. I commend the AAA and its membership for its work to help make Idaho Falls a better community.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Swann, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

In executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The messages received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 11:18 a.m., a message from the House of Representatives, delivered by Mrs. Alli, one of its reading clerks, announced that the House has agreed to the following concurrent resolutions, without amendment:

S. Con. Res. 25. Concurrent resolution authorizing the use of the rotunda of the Capitol for the lying in state of the remains of the Honorable Harry Mason Reid, Jr., a Senator from the State of Nevada.

S. Con. Res. 26. Concurrent resolution providing for the use of the catafalque situated in the Exhibition Hall of the Capitol Visitor Center in connection with memorial services to be conducted in the rotunda of the Capitol for the Honorable Harry Mason Reid, Jr., a Senator from the State of Nevada.

The message further announced that the House has agreed to H. Res. 862, resolving that the Clerk of the House inform the Senate that a quorum of the House is present and that the House is ready to proceed with business.

The message also announced that the House has agreed to the following resolution:

H. Res. 864. Resolution relative to the death of the Honorable Harry Mason Reid, Jr., a Senator from the State of Nevada.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3480. A bill to prohibit the use of funds to reduce the nuclear forces of the United States.

PRIVILEGED NOMINATIONS REFERRED TO COMMITTEE

On request by Senator TED CRUZ, under the authority of S. Res. 116, 112th Congress, the following nomination was referred to the Committee on Commerce, Science, and Transportation: Samuel H. Slater, of Massachusetts, to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority for a term expiring November 22, 2023, vice William Shaw McDermott, term expired.

On request by Senator MARIA CANTWELL, under the authority of S. Res. 116, 112th Congress, the following nomination was referred to the Committee on Commerce, Science, and Transportation: Mohsin Raza Syed, of Virginia, to be an Assistant Secretary of Transportation, vice Adam J. Sullivan.

On request by Senator MARIA CANTWELL, under the authority of S. Res. 116, 112th Congress, the following nomination was referred to the Committee on Commerce, Science, and Transportation: Victoria Marie Baecher Wassmer, of the District of Columbia, to be Chief Financial Officer, Department of Transportation, vice John E. Kramer.

On request by Senator TED CRUZ, under the authority of S. Res. 116, 112th Congress, the following nomination was referred to the Committee on Commerce, Science, and Transportation: Sean Burton, of California, to be a Member of the Board of Directors of the Metropolitan Washington Airports Authority for a term expiring May 30, 2024, vice Nina Mitchell Wells, term expired.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. LANKFORD (for himself and Ms. ERNST):

S. 3470. A bill to provide for the implementation of certain trafficking in contracting provisions, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CASEY (for himself, Ms. HASSAN, Mr. KAINE, Mr. MURPHY, Ms. KLOBUCHAR, Mr. SANDERS, Ms. SMITH, Ms. WARREN, Ms. DUCKWORTH, Mr. BOOKER, Mrs. SHAHEEN, and Mr. BLUMENTHAL):

S. 3471. A bill to address the needs of individuals with disabilities within the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. KENNEDY (for himself and Ms. DUCKWORTH):

S. 3472. A bill to conserve global bear populations by prohibiting the importation, exportation, and interstate trade of bear viscera and items, products, or substances containing, or labeled or advertised as containing, bear viscera, and for other purposes; to the Committee on Environment and Public Works.

By Mr. KING (for himself and Mr. CASEY):

S. 3473. A bill to authorize funding for the Research, Demonstration, and Evaluation Center for the Aging Network in order to demonstrate the impact of the aging network on the health and independence of older individuals and to foster innovation in such network, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SINEMA (for herself, Mr. PORTMAN, Mr. PADILLA, and Mr. PETERS):

S. 3474. A bill to amend title 5, United States Code, to increase death gratuities and funeral allowances for Federal employees, and for other purposes; to the Committee on Finance.

By Ms. CORTEZ MASTO:

S. 3475. A bill for the relief of Cesar Carlos Silva Rodriguez; to the Committee on the Judiciary.

By Mr. LUJÁN (for himself, Ms. COLLINS, and Mr. CASEY):

S. 3476. A bill to provide for mental health and substance use disorder services in response to public health emergencies, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASEY (for himself and Ms. COLLINS):

S. 3477. A bill to improve the program for reporting on device shortages; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASEY (for himself, Mr. CASSIDY, and Mr. MURPHY):

S. 3478. A bill to provide for the designation of biological products as qualified infectious disease products; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASEY (for himself, Mr. TILLIS, Ms. SMITH, and Ms. MURKOWSKI):

S. 3479. A bill to amend the Public Health Service Act with respect to awards to support community health workers and community health; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HOEVEN:

S. 3480. A bill to prohibit the use of funds to reduce the nuclear forces of the United States; read the first time.

ADDITIONAL COSPONSORS

S. 586

At the request of Mrs. CAPITO, the names of the Senator from Nebraska (Mrs. FISCHER) and the Senator from Connecticut (Mr. MURPHY) were added as cosponsors of S. 586, a bill to amend title XVIII of the Social Security Act to combat the opioid crisis by promoting access to non-opioid treatments in the hospital outpatient setting.

S. 844

At the request of Mr. THUNE, the name of the Senator from Kansas (Mr.

MARSHALL) was added as a cosponsor of S. 844, a bill to amend the Internal Revenue Code of 1986 to treat certain amounts paid for physical activity, fitness, and exercise as amounts paid for medical care.

S. 1040

At the request of Mr. MENENDEZ, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1040, a bill to amend title 38, United States Code, to expand eligibility for hospital care, medical services, and nursing home care from the Department of Veterans Affairs to include veterans of World War II.

S. 1315

At the request of Ms. CANTWELL, the names of the Senator from Louisiana (Mr. CASSIDY) and the Senator from New Hampshire (Ms. HASSAN) were added as cosponsors of S. 1315, a bill to amend title XVIII of the Social Security Act to provide for coverage of certain lymphedema compression treatment items under the Medicare program.

S. 1596

At the request of Mr. ROUNDS, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1596, a bill to require the Secretary of the Treasury to mint coins in commemoration of the National World War II Memorial in Washington, DC, and for other purposes.

S. 1725

At the request of Mr. ROUNDS, the names of the Senator from New Mexico (Mr. HEINRICH) and the Senator from Colorado (Mr. BENNET) were added as cosponsors of S. 1725, a bill to grant a Federal charter to the National American Indian Veterans, Incorporated.

S. 2295

At the request of Mr. CRAPO, the name of the Senator from Arizona (Mr. KELLY) was added as a cosponsor of S. 2295, a bill to amend the Horse Protection Act to designate additional unlawful acts under the Act, strengthen penalties for violations of the Act, improve Department of Agriculture enforcement of the Act, and for other purposes.

S. 2341

At the request of Mr. RUBIO, the name of the Senator from Georgia (Mr. WARNOCK) was added as a cosponsor of S. 2341, a bill to amend the Internal Revenue Code of 1986 to expand the treatment of moving expenses to employees and new appointees in the intelligence community who move pursuant to a change in assignment that requires relocation.

S. 2434

At the request of Ms. CANTWELL, the name of the Senator from Nevada (Ms. ROSEN) was added as a cosponsor of S. 2434, a bill to provide tax incentives that support local newspapers and other local media, and for other purposes.

S. 2854

At the request of Mr. KENNEDY, the name of the Senator from South Dakota (Mr. THUNE) was added as a cosponsor of S. 2854, a bill to allow for the transfer and redemption of abandoned savings bonds.

S. 2872

At the request of Mr. WARNER, the names of the Senator from Connecticut (Mr. MURPHY) and the Senator from Michigan (Mr. PETERS) were added as cosponsors of S. 2872, a bill to amend the Internal Revenue Code of 1986 to increase the adjusted gross income limitation for above-the-line deduction of expenses of performing artist employees, and for other purposes.

S. 2967

At the request of Ms. MURKOWSKI, the name of the Senator from Delaware (Mr. COONS) was added as a cosponsor of S. 2967, a bill to establish an Assistant Secretary of State for Arctic Affairs.

S. 3229

At the request of Mrs. FISCHER, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 3229, a bill to amend the Agricultural Marketing Act of 1946 to establish a cattle contract library, and for other purposes.

S. 3346

At the request of Mr. BENNET, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 3346, a bill to amend the Internal Revenue Code of 1986 to classify certain automatic fire sprinkler system retrofits as 15-year property for purposes of depreciation.

S. 3361

At the request of Mr. MARKEY, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 3361, a bill to amend the Communications Act of 1934 to modify the definition of franchise fee, and for other purposes.

S. 3463

At the request of Mr. RUBIO, the name of the Senator from North Carolina (Mr. TILLIS) was added as a cosponsor of S. 3463, a bill to impose sanctions and other measures in response to the failure of the Government of the People's Republic of China to allow an investigation into the origins of COVID-19 at suspect laboratories in Wuhan.

S. RES. 334

At the request of Ms. WARREN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. Res. 334, a resolution memorializing those impacted by and lost to the COVID-19 virus.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4898. Mr. SCHUMER (for Mr. PETERS) proposed an amendment to the bill S. 2520, to amend the Homeland Security Act of 2002 to provide for engagements with State, local, Tribal, and territorial governments, and for other purposes.

SA 4899. Mr. SCHUMER (for Mr. PETERS) proposed an amendment to the bill S. 2201, to manage supply chain risk through counterintelligence training, and for other purposes.

TEXT OF AMENDMENTS

SA 4898. Mr. SCHUMER (for Mr. PETERS) proposed an amendment to the bill S. 2520, to amend the Homeland Security Act of 2002 to provide for engagements with State, local, Tribal, and territorial governments, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "State and Local Government Cybersecurity Act of 2021".

SEC. 2. AMENDMENTS TO THE HOMELAND SECURITY ACT OF 2002.

Subtitle A of title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended—

(1) in section 2201 (6 U.S.C. 651), by adding at the end the following:

"(7) **SLTT ENTITY.**—The term 'SLTT entity' means a domestic government entity that is a State government, local government, Tribal government, territorial government, or any subdivision thereof."; and

(2) in section 2209 (6 U.S.C. 659)—

(A) in subsection (c)(6), by inserting "operational and" before "timely";

(B) in subsection (d)(1)(E), by inserting ", including an entity that collaborates with election officials," after "governments"; and

(C) by adding at the end the following:

"(p) **COORDINATION ON CYBERSECURITY FOR SLTT ENTITIES.**—

"(1) **COORDINATION.**—The Center shall, upon request and to the extent practicable, and in coordination as appropriate with Federal and non-Federal entities, such as the Multi-State Information Sharing and Analysis Center—

"(A) conduct exercises with SLTT entities;

"(B) provide operational and technical cybersecurity training to SLTT entities to address cybersecurity risks or incidents, with or without reimbursement, related to—

"(i) cyber threat indicators;

"(ii) defensive measures;

"(iii) cybersecurity risks;

"(iv) vulnerabilities; and

"(v) incident response and management;

"(C) in order to increase situational awareness and help prevent incidents, assist SLTT entities in sharing, in real time, with the Federal Government as well as among SLTT entities, actionable—

"(i) cyber threat indicators;

"(ii) defensive measures;

"(iii) information about cybersecurity risks; and

"(iv) information about incidents;

"(D) provide SLTT entities notifications containing specific incident and malware information that may affect them or their residents;

"(E) provide to, and periodically update, SLTT entities via an easily accessible platform and other means—

"(i) information about tools;

"(ii) information about products;

"(iii) resources;

"(iv) policies;

"(v) guidelines;

"(vi) controls; and

"(vii) other cybersecurity standards and best practices and procedures related to information security, including, as appropriate, information produced by other Federal agencies;

"(F) work with senior SLTT entity officials, including chief information officers

and senior election officials and through national associations, to coordinate the effective implementation by SLTT entities of tools, products, resources, policies, guidelines, controls, and procedures related to information security to secure the information systems, including election systems, of SLTT entities;

"(G) provide operational and technical assistance to SLTT entities to implement tools, products, resources, policies, guidelines, controls, and procedures on information security;

"(H) assist SLTT entities in developing policies and procedures for coordinating vulnerability disclosures consistent with international and national standards in the information technology industry; and

"(I) promote cybersecurity education and awareness through engagements with Federal agencies and non-Federal entities.

"(q) **REPORT.**—Not later than 1 year after the date of enactment of this subsection, and every 2 years thereafter, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the services and capabilities that the Agency directly and indirectly provides to SLTT entities."

SA 4899. Mr. SCHUMER (for Mr. PETERS) proposed an amendment to the bill S. 2201, to manage supply chain risk through counterintelligence training, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Supply Chain Security Training Act of 2021".

SEC. 2. TRAINING PROGRAM TO MANAGE SUPPLY CHAIN RISK.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Administrator of General Services, through the Federal Acquisition Institute, shall develop a training program for officials with supply chain risk management responsibilities at Federal agencies.

(b) **CONTENT.**—The training program shall be designed to prepare such personnel to perform supply chain risk management activities and identify and mitigate supply chain security risks that arise throughout the acquisition lifecycle, including for the acquisition of information and communications technology. The training program shall—

(1) include, considering the protection of classified and other sensitive information, information on current, specific supply chain security threats and vulnerabilities; and

(2) be updated as determined to be necessary by the Administrator.

(c) **COORDINATION AND CONSULTATION.**—In developing and determining updates to the training program, the Administrator shall—

(1) coordinate with the Federal Acquisition Security Council, the Secretary of Homeland Security, and the Director of the Office of Personnel Management; and

(2) consult with the Director of the Department of Defense's Defense Acquisition University, the Director of National Intelligence, and the Director of the National Institute of Standards and Technology.

(d) **GUIDANCE.**—

(1) **IN GENERAL.**—Not later than 180 days after the training program is developed under subsection (a), the Director of the Office of Management and Budget shall promulgate guidance to Federal agencies requiring executive agency adoption and use of the training program. Such guidance shall—

(A) allow executive agencies to incorporate the training program into existing agency training programs; and

(B) provide guidance on how to identify executive agency officials with supply chain risk management responsibilities.

(2) **AVAILABILITY.**—The Director of the Office of Management and Budget shall make the guidance promulgated under paragraph (1) available to Federal agencies of the legislative and judicial branches.

SEC. 3. REPORTS ON IMPLEMENTATION OF PROGRAM.

Not later than 180 days after the completion of the first course, and annually thereafter for the next three years, the Administrator of General Services shall submit to the appropriate congressional committees and leadership a report on implementation of the training program required under section 2.

SEC. 4. DEFINITIONS.

In this Act:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES AND LEADERSHIP.**—The term “appropriate congressional committees” means—

(A) the Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate; and

(B) the Committee on Oversight and Reform and the Committee on Armed Services of the House of Representatives.

(2) **INFORMATION AND COMMUNICATIONS TECHNOLOGY.**—The term “information and communications technology” has the meaning given the term in section 4713(k) of title 41, United States Code.

(3) **EXECUTIVE AGENCY.**—The term “executive agency” has the meaning given the term in section 133 of title 41, United States Code.

(4) **FEDERAL AGENCY.**—The term “Federal agency” means any agency, committee, commission, office, or other establishment in the executive, legislative, or judicial branch of the Federal Government.

(5) **TRAINING PROGRAM.**—The term “training program” means the training program developed pursuant to section 2(a).

AUTHORITY FOR COMMITTEES TO MEET

Mr. SCHUMER. Mr. President, I have 5 requests for committees to meet during today’s session of the Senate. They have the approval of the Majority and Minority Leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the allowing committees are authorized to meet during today’s session of the Senate:

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

The Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on Tuesday, January 11, 2022, at 10 a.m., to conduct a hearing on a nomination.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

The Committee on Energy and Natural Resources is authorized to meet during the session of the Senate on Tuesday, January 11, 2022, at 10 a.m., to conduct a hearing.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

The Committee on Health, Education, Labor, and Pensions is authorized to meet during the session of the Senate on Tuesday, January 11, 2022, at 10 a.m., to conduct a hearing.

COMMITTEE ON THE JUDICIARY

The Committee on the Judiciary is authorized to meet during the session

of the Senate on Tuesday, January 11, 2022, at 10 a.m., to conduct a hearing.

SELECT COMMITTEE ON INTELLIGENCE

The Select Committee on Intelligence is authorized to meet during the session of the Senate on Tuesday, January 11, 2022, at 2:30 p.m., to conduct a closed briefing.

PRIVILEGES OF THE FLOOR

Mr. MARSHALL. Mr. President, I ask unanimous consent that the following interns from my office be granted floor privileges for the remainder of the Congress: Francis Prosser, Jared Sackett, Emily Irsik, and Tel Wittmer.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MURKOWSKI. Mr. President, I ask unanimous consent that Maya Becker, a fellow with my staff, be granted floor privileges for the remainder of this Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ THE FIRST TIME—S. 3480

Mr. SCHUMER. Madam President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The legislative clerk read as follows:

A bill (S. 3480) to prohibit the use of funds to reduce the nuclear forces of the United States.

Mr. SCHUMER. I now ask for a second reading, and in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection is heard.

The bill will receive its second reading on the next legislative day.

STATE AND LOCAL GOVERNMENT CYBERSECURITY ACT OF 2021

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 152, S. 2520.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2520) to amend the Homeland Security Act of 2002 to provide for engagements with State, local, Tribal, and territorial governments, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Homeland Security and Governmental Affairs, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

“[P]rovide Federal departments and agencies for ensuring the security and resiliency of civilian information systems; and

“(J) promote cybersecurity education and awareness through engagements with Federal and non-Federal entities.

“(q) REPORT.—Not later than 1 year after the date of enactment of this subsection, and every 2 years thereafter, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on—

“(1) the status of cybersecurity measures that are in place, and any gaps that exist, in each State and in the largest urban areas of the United States;

“(2) the services and capabilities that the Agency directly provides to governmental agencies or other governmental entities; and

“(3) the services and capabilities that the Agency indirectly provides to governmental agencies or other governmental entities through an entity described in section 2201(4)(B).”]

SECTION 1. SHORT TITLE.

This Act may be cited as the “State and Local Government Cybersecurity Act of 2021”.

SEC. 2. AMENDMENTS TO THE HOMELAND SECURITY ACT OF 2002.

Subtitle A of title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended—

(1) in section 2201 (6 U.S.C. 651), by adding at the end the following:

“(7) **SLTT ENTITY.**—The term ‘SLTT entity’ means a domestic government entity that is a State government, local government, Tribal government, territorial government, or any subdivision thereof.”; and

(2) in section 2209 (6 U.S.C. 659)—

(A) in subsection (c)(6), by inserting “operational and” before “timely”; and

(B) in subsection (d)(1)(E), by inserting “, including an entity that collaborates with election officials,” after “governments”; and

(C) by adding at the end the following:

“(p) **COORDINATION ON CYBERSECURITY FOR SLTT ENTITIES.**—

“(1) **COORDINATION.**—The Center shall, upon request and to the extent practicable, and in coordination as appropriate with Federal and non-Federal entities, such as the Multi-State Information Sharing and Analysis Center—

“(A) conduct exercises with SLTT entities;

“(B) provide operational and technical cybersecurity training to SLTT entities to address cybersecurity risks or incidents, with or without reimbursement, related to—

“(i) cyber threat indicators;

“(ii) defensive measures;

“(iii) cybersecurity risks;

“(iv) vulnerabilities; and

“(v) incident response and management;

“(C) in order to increase situational awareness and help prevent incidents, assist SLTT entities in sharing, in real time, with the Federal Government as well as among SLTT entities, actionable—

“(i) cyber threat indicators;

“(ii) defensive measures;

“(iii) information about cybersecurity risks; and

“(iv) information about incidents;

“(D) provide SLTT entities notifications containing specific incident and malware information that may affect them or their residents;

“(E) provide to, and periodically update, SLTT entities via an easily accessible platform and other means—

“(i) information about tools;

“(ii) information about products;

“(iii) resources;

“(iv) policies;

“(v) guidelines;

“(vi) controls; and

“(vii) other cybersecurity standards and best practices and procedures related to information security;

“(F) work with senior SLTT entity officials, including chief information officers and senior election officials and through national associations, to coordinate the effective implementation

by SLTT entities of tools, products, resources, policies, guidelines, controls, and procedures related to information security to secure the information systems, including election systems, of SLTT entities;

“(G) provide operational and technical assistance to SLTT entities to implement tools, products, resources, policies, guidelines, controls, and procedures on information security;

“(H) assist SLTT entities in developing policies and procedures for coordinating vulnerability disclosures consistent with international and national standards in the information technology industry; and

“(I) promote cybersecurity education and awareness through engagements with Federal agencies and non-Federal entities.

“(g) REPORT.—Not later than 1 year after the date of enactment of this subsection, and every 2 years thereafter, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the services and capabilities that the Agency directly and indirectly provides to SLTT entities.”.

Mr. SCHUMER. I ask unanimous consent that the committee-reported substitute amendment be withdrawn; that the Peters substitute amendment, which is at the desk, be considered and agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported amendment in the nature of a substitute was withdrawn.

The amendment (No. 4898), in the nature of a substitute, was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “State and Local Government Cybersecurity Act of 2021”.

SEC. 2. AMENDMENTS TO THE HOMELAND SECURITY ACT OF 2002.

Subtitle A of title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended—

(1) in section 2201 (6 U.S.C. 651), by adding at the end the following:

“(7) SLTT ENTITY.—The term ‘SLTT entity’ means a domestic government entity that is a State government, local government, Tribal government, territorial government, or any subdivision thereof.”; and

(2) in section 2209 (6 U.S.C. 659)—

(A) in subsection (c)(6), by inserting “operational and” before “timely”;

(B) in subsection (d)(1)(E), by inserting “, including an entity that collaborates with election officials,” after “governments”; and

(C) by adding at the end the following:

“(p) COORDINATION ON CYBERSECURITY FOR SLTT ENTITIES.—

“(1) COORDINATION.—The Center shall, upon request and to the extent practicable, and in coordination as appropriate with Federal and non-Federal entities, such as the Multi-State Information Sharing and Analysis Center—

“(A) conduct exercises with SLTT entities;

“(B) provide operational and technical cybersecurity training to SLTT entities to address cybersecurity risks or incidents, with or without reimbursement, related to—

“(i) cyber threat indicators;

“(ii) defensive measures;

“(iii) cybersecurity risks;

“(iv) vulnerabilities; and

“(v) incident response and management;

“(C) in order to increase situational awareness and help prevent incidents, assist SLTT entities in sharing, in real time, with the Federal Government as well as among SLTT entities, actionable—

“(i) cyber threat indicators;

“(ii) defensive measures;

“(iii) information about cybersecurity risks; and

“(iv) information about incidents;

“(D) provide SLTT entities notifications containing specific incident and malware information that may affect them or their residents;

“(E) provide to, and periodically update, SLTT entities via an easily accessible platform and other means—

“(i) information about tools;

“(ii) information about products;

“(iii) resources;

“(iv) policies;

“(v) guidelines;

“(vi) controls; and

“(vii) other cybersecurity standards and best practices and procedures related to information security, including, as appropriate, information produced by other Federal agencies;

“(F) work with senior SLTT entity officials, including chief information officers and senior election officials and through national associations, to coordinate the effective implementation by SLTT entities of tools, products, resources, policies, guidelines, controls, and procedures related to information security to secure the information systems, including election systems, of SLTT entities;

“(G) provide operational and technical assistance to SLTT entities to implement tools, products, resources, policies, guidelines, controls, and procedures on information security;

“(H) assist SLTT entities in developing policies and procedures for coordinating vulnerability disclosures consistent with international and national standards in the information technology industry; and

“(I) promote cybersecurity education and awareness through engagements with Federal agencies and non-Federal entities.

“(g) REPORT.—Not later than 1 year after the date of enactment of this subsection, and every 2 years thereafter, the Secretary shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the services and capabilities that the Agency directly and indirectly provides to SLTT entities.”.

The bill (S. 2520), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

SUPPLY CHAIN SECURITY TRAINING ACT OF 2021

Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 153, S. 2201.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 2201) to manage supply chain risk through counterintelligence training, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee

on Homeland Security and Governmental Affairs, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italics.)

S. 2201

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Supply Chain Security Training Act of 2021”.

SEC. 2. TRAINING PROGRAM TO MANAGE SUPPLY CHAIN RISK.

(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Administrator of General Services, through the Federal Acquisition Institute, shall develop a training program for officials with supply chain risk management responsibilities at **[executive]** Federal agencies.

(b) CONTENT.—The training program shall be designed to prepare such personnel to perform supply chain risk management activities and identify and mitigate supply chain security threats that arise throughout the acquisition lifecycle, including for the acquisition of information and communications technology. The training program shall—

(1) include, considering the protection of classified and other sensitive information, information on current, specific supply chain security threats; and

(2) be updated as determined to be necessary by the Administrator.

(c) COORDINATION AND CONSULTATION.—In developing the training program, the Administrator shall—

(1) coordinate with the Federal Acquisition Security Council, the Secretary of Homeland Security, and the Director of the Office of Personnel Management; and

(2) consult with the Director of the Department of Defense’s Defense Acquisition University and the Director of National Intelligence.

(d) GUIDANCE.—

(1) IN GENERAL.—Not later than 180 days after the training program is developed under subsection (a), the Director of the Office of Management and Budget shall promulgate guidance to Federal agencies requiring executive agency adoption and use of the training program. Such guidance shall—

[(1)] (A) allow executive agencies to incorporate the training program into existing agency training programs; and

[(2)] (B) provide guidance on how to identify executive agency officials with supply chain risk management responsibilities.

(2) AVAILABILITY.—*The Director of the Office of Management and Budget shall make the guidance promulgated under paragraph (1) available to Federal agencies of the legislative and judicial branches.*

SEC. 3. REPORTS ON IMPLEMENTATION OF PROGRAM.

Not later than 180 days after the completion of the first course, and annually thereafter for the next three years, the Administrator of General Services shall submit to the appropriate congressional committees and leadership a report on implementation of the training program required under section 2.

SEC. 4. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES AND LEADERSHIP.—The term “appropriate congressional committees” means—

(A) the Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate; and

(B) the Committee on Oversight and Reform and the Committee on Armed Services of the House of Representatives.

(2) **INFORMATION AND COMMUNICATIONS TECHNOLOGY.**—The term “information and communications technology” has the meaning given the term in section 4713(k) of title 41, United States Code.

(3) **EXECUTIVE AGENCY.**—The term “executive agency” has the meaning given the term in section 133 of title 41, United States Code.

(4) **FEDERAL AGENCY.**—The term “Federal agency” means any agency, committee, commission, office, or other establishment in the executive, legislative, or judicial branch of the Federal Government.

[(4)](5) **TRAINING PROGRAM.**—The term “training program” means the training program developed pursuant to section 2(a).

Mr. SCHUMER. I ask unanimous consent that the committee-reported amendments be withdrawn; that the Peters substitute amendment, which is at the desk, be considered and agreed to; that the bill, as amended, be considered read a third time and passed; and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported amendments were withdrawn.

The amendment (No. 4899), in the nature of a substitute, was agreed to, as follows:

(Purpose: In the nature of a substitute)

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Supply Chain Security Training Act of 2021”.

SEC. 2. TRAINING PROGRAM TO MANAGE SUPPLY CHAIN RISK.

(a) **IN GENERAL.**—Not later than 180 days after the date of the enactment of this Act, the Administrator of General Services, through the Federal Acquisition Institute, shall develop a training program for officials with supply chain risk management responsibilities at Federal agencies.

(b) **CONTENT.**—The training program shall be designed to prepare such personnel to perform supply chain risk management activities and identify and mitigate supply chain security risks that arise throughout the acquisition lifecycle, including for the acquisition of information and communications technology. The training program shall—

(1) include, considering the protection of classified and other sensitive information, information on current, specific supply chain security threats and vulnerabilities; and

(2) be updated as determined to be necessary by the Administrator.

(c) **COORDINATION AND CONSULTATION.**—In developing and determining updates to the training program, the Administrator shall—

(1) coordinate with the Federal Acquisition Security Council, the Secretary of Homeland Security, and the Director of the Office of Personnel Management; and

(2) consult with the Director of the Department of Defense’s Defense Acquisition University, the Director of National Intelligence, and the Director of the National Institute of Standards and Technology.

(d) GUIDANCE.—

(1) **IN GENERAL.**—Not later than 180 days after the training program is developed under subsection (a), the Director of the Office of Management and Budget shall promulgate guidance to Federal agencies requiring executive agency adoption and use of the training program. Such guidance shall—

(A) allow executive agencies to incorporate the training program into existing agency training programs; and

(B) provide guidance on how to identify executive agency officials with supply chain risk management responsibilities.

(2) **AVAILABILITY.**—The Director of the Office of Management and Budget shall make the guidance promulgated under paragraph (1) available to Federal agencies of the legislative and judicial branches.

SEC. 3. REPORTS ON IMPLEMENTATION OF PROGRAM.

Not later than 180 days after the completion of the first course, and annually thereafter for the next three years, the Administrator of General Services shall submit to the appropriate congressional committees and leadership a report on implementation of the training program required under section 2.

SEC. 4. DEFINITIONS.

In this Act:

(1) **APPROPRIATE CONGRESSIONAL COMMITTEES AND LEADERSHIP.**—The term “appropriate congressional committees” means—

(A) the Committee on Homeland Security and Governmental Affairs and the Committee on Armed Services of the Senate; and
(B) the Committee on Oversight and Reform and the Committee on Armed Services of the House of Representatives.

(2) **INFORMATION AND COMMUNICATIONS TECHNOLOGY.**—The term “information and communications technology” has the meaning given the term in section 4713(k) of title 41, United States Code.

(3) **EXECUTIVE AGENCY.**—The term “executive agency” has the meaning given the term in section 133 of title 41, United States Code.

(4) **FEDERAL AGENCY.**—The term “Federal agency” means any agency, committee, commission, office, or other establishment in the executive, legislative, or judicial branch of the Federal Government.

(5) **TRAINING PROGRAM.**—The term “training program” means the training program developed pursuant to section 2(a).

The bill (S. 2201), as amended, was ordered to be engrossed for a third reading, was read the third time, and passed.

ORDERS FOR WEDNESDAY, JANUARY 12, 2022

Mr. SCHUMER. Madam President, finally, I ask unanimous consent that

when the Senate completes its business today, it recess until 12:30 p.m., Wednesday, January 12; that following the prayer and pledge, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; that upon the conclusion of morning business, the Senate proceed to executive session to resume consideration of the Bose nomination post-cloture; further, that the vote on the confirmation of the Bose nomination occur at 3:30 p.m.; finally, that if any nominations are confirmed during Wednesday’s session, the motion to reconsider be considered made and laid upon the table and the President be immediately notified of the Senate’s action.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS UNTIL 12:30 P.M. TOMORROW

Mr. SCHUMER. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it stand in recess under the previous order.

There being no objection, the Senate, at 8:32 p.m., recessed until 12:30 p.m. on Wednesday, January 12, 2022.

NOMINATIONS

Executive nominations received by the Senate:

DEPARTMENT OF ENERGY

MARVIN L. ADAMS, OF TEXAS, TO BE DEPUTY ADMINISTRATOR FOR DEFENSE PROGRAMS, NATIONAL NUCLEAR SECURITY ADMINISTRATION, VICE CHARLES P. VERDON.

DEPARTMENT OF COMMERCE

MICHAEL COTTMAN MORGAN, OF WISCONSIN, TO BE AN ASSISTANT SECRETARY OF COMMERCE, VICE NEIL JACOBS.

CORPORATION FOR PUBLIC BROADCASTING

LAURA GORE ROSS, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE CORPORATION FOR PUBLIC BROADCASTING FOR A TERM EXPIRING JANUARY 31, 2028. (REAPPOINTMENT)

DELTA REGIONAL AUTHORITY

COREY WIGGINS, OF MISSISSIPPI, TO BE FEDERAL CO-CHAIRPERSON, DELTA REGIONAL AUTHORITY, VICE CHRISTOPHER CALDWELL.

CONFIRMATION

Executive nomination confirmed by the Senate January 11, 2022:

DEPARTMENT OF COMMERCE

ALAN DAVIDSON, OF MARYLAND, TO BE ASSISTANT SECRETARY OF COMMERCE FOR COMMUNICATIONS AND INFORMATION.